ORDINANCE 2012

The Township of Homer, County of Midland, Michigan ordains, pursuant to the authority vested in it by Act 110 of 2006 of the Public Acts of the State of Michigan as amended, the attached Zoning Ordinance for Township of Homer, Midland County Michigan.

TITLE: This ordinance shall be known as the **Homer Township Zoning Ordinance**

PURPOSE: An Ordinance for the protection of the public health, safety, and other aspects of the general welfare of Homer Township through the establishment in the unincorporated portions of Homer Township of zoning districts for the planned orderly growth and development of the Township within which the proper use of land and natural resources may be encouraged or regulated, and within which zoning district's provisions may also be adopted designating the location of, size of, the land and structural uses that may be permitted without/with special use conditions, open spaces, and to provide planned orderly growth and development of the Township including the provision and use of public services, as well as to provide for penalties for violations of this Ordinance.

ENABLING AUTHORITY: This Ordinance is adopted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006 (MCL 125:3101), et seq. as amended.

ADOPTION OF THIS ZONING ORDINANCE AND REPEAL OF THE PRESENT ZONING ORDINANCE: The Zoning Ordinance of Homer Township presently in effect (Ordinance 2000) and all amendments thereto, hereby are repealed, provided, however, if this Zoning Ordinance shall subsequently not be approved by public referendum or be judicially determined to have been unlawfully adopted, such public referendum or judicial determination shall then automatically reinstate the present Homer Township Zoning Ordinance and all of its amendments to their full effect. The repeal of the existing zoning ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate any existing violation of the prior ordinance if the use, so in violation, is in violation of the provisions of this ordinance.

Approved by roll call vote of the Homer Township Board on January 18, 2012
Yea: Moody, Turk, Varner, Lee, Stern, Pruiett

Nay: None

Tall Lee
Township Clerk

January 18, 2012
Date

HOMER TOWNSHIP

ZONING ORDINANCE

FEBRUARY 9, 2012

Adopted by Homer Township Board, Dec. 21, 2011
Effective Feb. 9, 2012

Homer Township Zoning Ordinance
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1. TITLE, PURPOSE, ENABLING AUTHORITY, CONDITIONS OF ENACTMENT

The Township of Homer, County of Midland, Michigan ordains, pursuant to the authority vested in it by Act 110 of 2006 of the Public Acts of the State of Michigan as amended, the following Zoning Ordinance for the Township of Homer.

Title. **This Ordinance shall be known as the Homer Township Zoning Ordinance.**

Purpose of this Zoning Ordinance and Resolution of Intent. An Ordinance for the protection of the public health, safety and other aspects of the general welfare of Homer Township through the establishment in the unincorporated portions of Homer Township, Midland County, Michigan of zoning districts for the planned orderly growth and development of the Township within which the proper use of land and natural resources may be encouraged or regulated, and within which zoning district's provisions may also be adopted designating the location of, the size of, the land and structural uses that may be permitted without or with special use conditions; the minimum open spaces; to provide, based upon the planned orderly growth and development of the Township, in an orderly manner and through the wise and efficient use of public services required to be provided to the residents of Homer Township; to provide for a method of adoption of amendments to this Ordinance and to provide for penalties for violations of this Ordinance.

Adoption of this Zoning Ordinance and Repeal of Present Zoning Ordinance. The Zoning Ordinance of Homer Township presently in effect and all amendments thereto, hereby are repealed; provided, however, if this Zoning Ordinance shall subsequently not be approved by public referendum or be judicially determined to have been unlawfully adopted, such public referendum or judicial determination shall then automatically reinstate the present Homer Township Zoning Ordinance and all of its amendments to their full effect. The repeal of existing zoning ordinances, however, shall not affect or prevent any pending or future prosecution of, or action to abate any existing violation of the prior ordinances if the use, so in violation, is in violation of the provisions of this ordinance.

2. DEFINITIONS

Rules Applying to Text. All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word "building" includes the word "structure", and "dwelling" includes "residence"; the word "person" includes "corporation", "co-partnership", and "association" as well as an "individual"; the word "shall" is mandatory and directory. Terms not herein defined shall have the meaning customarily assigned to them.

Definitions. For the purpose of this Ordinance, the following terms and words are defined as follows:

Abandoned Motor Vehicle – A motor vehicle left unattended for five or more days on public or private property, not having a valid license and/or without the property owner's consent.

Accessory Building - A building that is either separate from or attached to the principal structure by a wall, roof, rafter or other structural support and is located on the same zoning lot as the principal use to which it is exclusively related.

Accessory Use - A use that is clearly incidental to, customarily found in connection with, subordinated to, and located on the same lot as the principal use to which it is exclusively related.

Adult Foster Care - A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State of Michigan Public Act 218 of 1979, as amended, and rules promulgated by the State Department of Social Services. Such organizations shall be defined as:

> **Adult Foster Care Facility** means a governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.
>
> An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers or a residential center for persons released from or assigned to a correction facility.
>
> **Adult foster care small group home** means a facility with approved capacity to receive at least twelve (12) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
>
> **Adult foster care large group home** means a facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

Adult foster care family home means a private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week or for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

Adult Oriented Business/Service - Includes adult arcades, adult bookstores, adult video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, massage establishment offering adult services, nude model studio, any service or activity conducted for any consideration in an adult business by a person who is nude or semi-nude during all or part of the time that there person is providing the service.

Agriculture - Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses, including animals that have been raised on the premises.

Alterations - Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders.

Apartments - The dwelling units in a multiple dwelling as defined herein:

Efficiency Unit: is a dwelling unit consisting of not more than one (1) principal room, in addition to kitchen, dining and necessary sanitary facilities; does not include hallways or closets.

One Bedroom Unit: is a dwelling unit consisting of not more than two (2) principal rooms, in addition to kitchen, dining and necessary sanitary facilities; does not include hallways or closets.

Two Bedroom Unit: is a dwelling unit consisting of not more than three (3) principal rooms, in addition to kitchen, dining and necessary sanitary facilities; does not include hallways or closets.

Three or More Bedroom Unit: is a dwelling unit wherein in addition to the kitchen, dining and necessary sanitation facilities, each increase in a bedroom over three (3) shall be an increase in the room count by (1).

Automotive Parts Sales – a retail establishment where automotive parts/accessories/lubricants are sold directly to the public on the premise. No actual automobile service/repair is done on site.

Automobile Repair – An enclosed building where, with or without the sale of engine fuels, the following services may be carried-out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

Barn - An accessory building located on a farm and used for the purpose of providing farm storage, housing of livestock, housing of farm equipment and customary normal farming purposes needing a shelter.

Barnyard - A fenced-in land area used for the purpose of containing livestock accessible to a shelter.

Basement - That portion of a story partly or totally below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. This definition shall not apply to earth bermed homes or homes in the flood plain. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walk-out capability. A walk-out basement shall be defined as a room with at least one wall below grade which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade and two exits which are fire escape routes.

Berm – A continuous raised earthen mound with flattened top and sloped sides capable of supporting live landscaping.

Board of Appeals - See "Zoning Board of Appeals"

Body Piercing Establishment – any place or premise where the practice of body piercing as defined herein is preformed whether for profit or not. Body piercing is the puncture or penetration of the skin using pre-sterilized single use needles and the insertion of pre-sterilized jewelry into the opening. This definition excludes the piercing of the ear and insertion of a stud and clasp.

Building - An independent structure, either temporary or permanent, having a roof supported by columns or walls which includes accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up.

Building, Farm - Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms for the pursuit of their agricultural activities.

Building Height - The vertical distance from the established grade to the highest point of the roof surface for flat roofs, to the deckline of mansard roofs; and to the average height between eaves and ridge for gables, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line - A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as the front setback line.

Building Permit - A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the Construction Code and Ordinance adopted by the township.

Building, Principal Main - The building in which is conducted the principal use of the premises on which it is situated.

Building Setback Line - The line formed by the outer surface of a structure or enclosure wall at or with the finished grade or surface of the ground; defining those minimum (building) setback lines which are established, in general, parallel to the front road right-of-way and within which setback area no part of a building, including overhangs, porches, decks, flower boxes, etc., shall project or be located, except as otherwise provided for by this Ordinance.

Campground – State licensed/regulated site where uses and activities involving tents or other temporary sleeping accommodations take place on a temporary or seasonal basis for resort or recreation purposes.

Child Care Facility - A facility for the care of children under 18 years of age, as licensed and regulated by the State of Michigan Public Act 116 of 1973, as amended, and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

> **Child care center or day care center** means a facility, other than a private residence receiving more than six (6) pre-school or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless on the number of hours of care per day.
>
> The facility is generally described as a child care center, day care center, day nursery, nursery school , parent cooperative, preschool play group or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during a short period of time while persons responsible for such children are attending religious services.
>
> **Foster family home** is a private home in which one but not more than four (4) minor children, who are not related to an adult member of the household by marriage, blood or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
>
> **Foster family group home** means a private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
>
> **Family day care** means a private home in which one but no more than six (6) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year

Group day care home means a private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Clinic, Veterinary - A building or group of buildings and/or structure where domestic animals are seen for examination, treatment and care by a licensed veterinarian or related para-professionals and technicians and where such animals may be provided with overnight housing.

Clinic, Human - A building or group of building where human patients are seen for examination and treatment by one or more than one (1) professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

Communication Tower – (Wireless Communication Facilities) All structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, cellular telephone facilities, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities, short wave radio facilities; ham, amateur radio facilities; satellite dishes; accessory reception antennae facilities and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. Wireless communication support structures are structures created or modified to support wireless communication antennas, including, but not limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure. Wireless collocation is the location of two (2) or more wireless communication providers of wireless communications facilities on a common structure, tower or building.

Decibel – the unit of measure used to express the magnitude of sound pressure and sound intensity.

Dismantled/Partially Dismantled Motor Vehicles – A motor vehicle from which some part or parts which are ordinarily a component to such motor vehicle has/have been removed or are missing.

Drive-thru Establishment - Any establishment which offers goods and services to the consumer in motor vehicles. May also offer over the counter services inside the building.

Dwelling - A building used exclusively as a living quarters for one (1) or more families.

Dwelling, Multiple Family - A dwelling structure, or portion thereof, containing two (2) or more dwelling units for occupancy by two (2) or more families living independently of each other.

Dwelling, One Family - A dwelling structure containing one (1) dwelling unit for occupancy by one (I) family.

Dwelling, Two Family or Duplex - A dwelling structure containing two (2) dwelling units for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.

Dwelling Unit - A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling.

Essential Services - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Family - An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling, or a collective number of individuals domiciled together in one dwelling whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Farm - Real property used for agriculture or horticulture and which may contain other contiguous and/or non-contiguous acres.

Fence - A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure.

Flood Hazard Area – Areas identified by the Federal Emergency Management Agency on its maps as any land that would be inundated by a flood having a 1-percent chance of occurring in any given year.

Fortune Telling Establishment – Any place where people engage in, practice or profess to practice, the business or art of astrology, phrenology, life reading, fortune-telling, catromancy, clairvoyance, crystal ball gazing, hypnotism (other than in connection with the practice of medicine), mediumship, mesmerism, oriental mysteries, palmistry, reading of tarot or similar cards, or of other similar occult powers for any form of comensation.

GAAMP - General Accepted Agricultural Management Practices as established by the Michigan Department of Agriculture pursuant to the Michigan Right to Farm Act, Act 93 of 1981, MCL 286.471, et seq., as amended.

Garage, Commercial - Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

Garage, Private - An accessory building used for parking of vehicles or storage as may be required in connection with the permitted use of the principle dwelling.

Gas Station - A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles. May also sell limited food items.

Grade - The term "Grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenbelt - A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers.

Habital Space/Structure – A space in a building for living, sleeping, eating or cooking. Bathrooms, closets, halls, storage areas are not considered habital spaces.

Highway - Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic. (see also "Road")

Historical Building, Site or Area - Those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the local unit by preserving or allowing a structure or use which reflects elements of the community's cultural, social, economic, political, or architectural history; (b) stabilize and improve property values in the area; (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

Home Occupation – Home occupations are occupations/professions that are clearly a customary, incidental and secondary use of a principal residential dwelling and which meet the requirements of Section 18. of this Ordinance.

Hospital - An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Hotel - A building occupied or used as a temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms. (Also see "Motel").

Industrial - A business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material, and including those businesses and service activities that are a normal integral part of an industrial enterprise or area.

Industrial Park - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Inoperable Motor Vehicle – A vehicle which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

Institution - An organization having a social, educational or religious purpose established by law, custom, practice or a system to serve the public.

Junk - All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof, salvage and salvaged material.

Junk/Salvage Yard – a designated location in the township that engages in the business of purchasing, selling, exchanging, storing, receiving or salvaging articles of any kind including but not limited to cast iron, copper, brass, tin, or any metal, vehicles/vehicle parts, appliances/machinery, lighting/plumbing fixtures, rags, paper or any other items that may not be able to be used as originally intended.

Kennel - Any lot or premises on which four (4) or more dogs of more than six (6) months in age are kept or boarded temporarily or permanently, for the purpose of breeding, for sale, or otherwise. It shall also include any lot or premises on which other furbearing household or domestic pets of like number are bred or sold.

Laboratory - A place in which the principal use is devoted to experimental, routine, or basic study such as testing and analytical operations.

Land Use Permit - See "Zoning Permit"

Loading Space - An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

Lot – A tract of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory

thereto, together with such yards and open spaces as are required under the provisions on this Ordinance. A lot may or may not be specifically designated as such on public record. A lot may be a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, contiguous portions of lots of record, a parcel of land described by metes and bounds or a condominium lot.

Lot Area Net - The total horizontal area within the lot lines of the lot, exclusive of any abutting public road rights-of-way or private road easements, or the area of any body of water.

Lot Area, Gross – The net lot area plus one-half (1/2) of the area of any public right-of-way or private road easement immediately adjacent to or abutting the lot.

Lot, Buildable Area – The area of a lot meeting the minimum setback requirements within which construction is permitted by the terms of this ordinance.

Lot, Contiguous – Lots adjoining each other.

Lot, Corner – A lot abutting on and at the intersection of two or more streets, provided that the streets intersect at an angle of not more than one hundred thirty five (135) degrees, shall be considered a corner lot.

Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than one hundred thirty five (135) degrees, is shall be considered a corner lot.

In case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents. A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.

For the purposes of this definition, the "street" lot line shall be the line separating the lot from the street or road right-a-way.

Lot Depth - The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, Double Frontage (or through lot) – A lot, other than a corner lot, that fronts upon two (2) more-or-less parallel streets or upon two (2) streets that do not interest at the boundaries of the lot. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit.

Lot, Flag – A lot which is located behind other parcels or lots fronting on a public or private road and/or drive but which has a narrow extension to provide access to the road. The extension, which provides access to the buildable portion of the lot, shall comply with the lot width standards for the district in which the lot is located.

Lot Frontage – The length of the front lot line measured along the street right-of-way or easement line.

Lot, Interior – The lines bounding a lot as follows

a. **Front Lot Line**: The lot line separating said lot from the street. In the case of a corner lot, the lines separating the narrowest side of a lot from the street. The orientation of the structure on the lot does not impact the front lot line definition.

b. **Rear Lot Line**: Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.

c. **Side Lot Line**: Any lot line other than the front or rear lot lines. A side lot line separating a lot from another lot or lots is an interior side lot line.

d. **Side Street Lot Line**: A side lot line separating a lot from a road right-of-way.

e. **Interior Lot Lines**: Any lot line which does not abut upon a street.

Lot of Record – A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Register of Deeds, or a lot or parcel described by metes and bounds.

Lot Split and Consolidation – The dividing or uniting of lots by virtue of changes in the deeds in the office of the Register of Deeds.

Lot Width - The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines.

Lot Zoning – A tract of land consisting of a group of adjacent lots located within a single block, which, at the time of filing for a building permit, is designated by the owner or developer as a tract to be used, developed or build upon as a unit, under single ownership or control. A zoning lot is considered as a single lot for the purpose of this chapter. In such case, the outside perimeter of the such group of lots shall constitute the front, rear and side lots thereof.

Lot Waterfront – A lot having a frontage directly upon a lake, river or other impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the road frontage of the lot.

Lot of Record - A lot existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds' Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a "lot of record". (Includes Parcel of Record).

Manufactured Home – A building or portion of a building designed for long-term residential use and characterized by all of the following:

a. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.

b. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and

c. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

Mechanical Shadow – The entire envelop that is occupied by the circle swept by the furthest extension of any blade or other exposed moving component of a wind energy system.

Mobile Home – A type of manufactured housing that is transportable in one (1) or more sections, that is built upon a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purpose of this Ordinance.

Mobile Home Park - Any parcel or tract of land under the control of any person, upon which three (3) or more occupied mobile homes are located on a continual, non-recreational basis, and which is offered to the public for that purpose, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incidental to the occupancy of the mobile home, subject to the conditions set for the in the Mobile Home Commission Rules and the Mobile Home Commission Act, Public Act 96 of 1987, as amended, and all regulations in promulgated pursuant to that act.

Motel - (see "Hotel")

Motor Vehicle – Any motorized wheeled vehicle which is self-propelled or intended to be self propelled.

Open Storage - A land area occupied and used for outdoor storage of new building materials, sand, gravel, stone, lumber, equipment and other supplies.

Parcel - See "Lot"

Parking Lot, Off-street – A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

Parking Space - A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be useable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.

Pasture – Five acres or more of land used to for livestock grazing.

Pet - Shall mean only such domesticated animals as may be commonly housed within domestic living quarters. Pet shall not include any mammal, reptile, bird or other species defined as exotic under any local, county, state or federal law, ordinance or regulation.

Pharmacy – A business possessing the state required pharmacy license, under the personal charge of a state licensed pharmacist and in compliance with all applicable sections of the Michigan Public Health Code (PA368 of 1978), as amended.

Planned Unit Development - A Planned Unit Development shall mean a development consisting of multiple uses and structures, permitted within a specified zoning district or specified districts upon a single parcel of land or specific combined parcels of land, where a portion of the parcel(s) is devoted to location of buildings or structures used for permitted purposes at a density greater than otherwise permitted by this Ordinance and a portion is devoted to common areas complementing those uses.

Pond - A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.

Pool – Man-made impoundment of water designated for recreational use.

Public Utility - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under federal, state, or municipal regulations to the public; electricity, gas, steam, communications, transportation, water, storm water collection or wastewater collection and treatment.

Recreation Vehicle – "Recreational Vehicles" shall include the following:

a. **Travel Trailer**: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

b. **Pickup Camper**: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational and vacation uses.

c. **Motor Home**: A recreational vehicle intended for temporary human habitations, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

d. **Folding Tent Trailer**: A folding structure, mounted on wheels and designed for travel and vacation use.

e. **Boats and Boat Trailers**: "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, jet skis, plus the normal equipment to transport them on the highway.

f. **Other Recreational Equipment**: Other recreational equipment includes snowmobiles, all terrain or special terrain vehicles, utility trailers, and storage trailers plus the normal equipment to transport them on the highway.

Recreation Vehicle Park (RV Park) - A facility designed for either overnight or long-term use by travelers using travel-trailers, pick-up campers or other recreational vehicles. Such parks typically provide electrical hook-ups, restrooms and showers, and recreational facilities.

Religion Institutions – A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institutions, are classified as part of the principal use as a religious institution.

Residential Treatment Center - A community-based, State licensed facility that provides therapeutic service, counseling or treatment for mental health or substance use disorders along with room and board in a highly structured environment for its residents with staffing 24 hours a day, seven days a week. A residential treatment center does not include nursing homes, convalescent homes, rest homes or transitional housing.

Road - Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic. (See Also "Highway")

Road, Hard Surface - A highway or road built to the specifications of the Midland County Road Commission or the Michigan Department of Transportation.

Road, Private - A thoroughfare not maintained and accepted by the Midland County Road Commission or Michigan Department of Transportation which affords the principal means of access to abutting property that serves two or more lots, structures, dwellings, uses or units. Private road shall include those rights of way, easements or routes for vehicular traffic designated as common elements in a condominium project or condominium subdivision under Condominium Act, Act No. 59 of the Public Acts of 1978, as amended. (See Township Private Road Ordinance).

Road Right-of-Way- A street, alley, easement or other thoroughfare (public or private) established for passage of persons or vehicles.

Road Right-of-Way Line - The line establishing the outer limits of a road right-of-way from which setbacks and yards are measured.

Roadside Stand - A temporary or permanent building or structure operated for the purpose of selling only produce raised or produced on the same premises. Its use shall not make it a

commercial district or land which would be otherwise classified as agricultural or residential, nor shall its use be deemed a commercial activity.

Rotor – An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

Setbacks:

The distance between the right-of-way line and the nearest point of the foundation of the principal or any other structure.

Front - The distance between the road right-of-way line and the nearest point of the foundation of the principal structure or any other front structure.

Waterfront - The distance between the shoreline and the nearest point of the foundation of the principal structure.

Shadow Flicker – Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a building.

Shoreline - The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sign - The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as to show an individual firm, profession, business, product or message and visible to the general public.

Sign, Lighted - Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.

Solar Collection Devices - Solar collection devices are designed to capture and utilize the energy of the sun to generate electrical power. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are sized to meet the various user needs and/or utility requirements.

Solar Collection Devices, Attached - An array of solar collection materials secured to the exterior walls or roof of a principal or accessory building and generate up to but not exceeding the manufacturer's rating of 20kW. Consideration would be given to exceeding this limit in allowed zoned districts on an individual basis on an individual basis.

Solar Collection Devices, Large Freestanding - An array of freestanding (not attached to a principal or accessory structure) solar collection materials that generate up to but not exceeding the manufacturer's rating of 150 kW. Consideration would be given to exceeding this limit in allowed zoned districts on an individual basis on an individual basis.

Solar Collection Devices, Small Freestanding - An array of freestanding (not attached to a principal or accessory structure) solar collection materials that generate up to but not exceeding the manufacturer's rating of 20 kW. Consideration would be given to exceeding this limit in allowed zoned districts on an individual basis on an individual basis.

Sound Pressure – Average rate at which sound energy is transmitted through a unit area in a specific direction. The pressure of the sound measured at a receiver.

Sound Pressure Level – The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Special Use - A use which is subject to approval by the Township after a special use plan review. A special use may be requested when specified by this Ordinance.

Special Use Permit - A permit issued, following a special use review and final approval of a special use, by the Township Board to a person or persons intending to undertake the operation of an activity upon land or within a structure, which activity is found to be not injurious to the health, safety, convenience and general welfare of the Township's residents.

Storage Unit – Row construction of various sized individual modules rented to clients for storage of items.

Story - That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above.

Story Height - The vertical distance from the top surface of one (I) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

Street - See "Road"

Structure – (See Building)

Tattoo Parlor – A place or establishment which is operated for the primary purpose of marking the skin with indelible ink, pigment or other such substances so as to produce permanent marks on the skin.

Temporary Transient Amusement Enterprise – An assembly of motorized/animal rides and other concession stands and associated personnel that promote a local event for a specified period of time.

Temporary Use - A use, activity, or building permitted to exist during period of construction of the main building or use, or for special events.

Travel Trailer - A portable non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers but does not include mobile homes.

Use - The purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.

Use, Principal - The primary or dominant utility or activity to which a lot is put.

Wind Energy System — A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment, fixtures, structures, wiring, and all other associated devices above and below ground level.

> **Wind Energy System On-Site Use --** An on-site use wind energy system is a device or system designed to supplement other electricity sources as an accessory use for agricultural, residential, commercial, office, and industrial buildings or facilities, wherein the power generated is used primarily for onsite consumption and has a manufacturer's rated capacity of not more than 20kW.
>
> **Wind Energy System Utility Grid** — A utility grid wind energy system is designed and built to provide electricity to a public/private electric utility grid.

Wind Site Assessment – An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

Yard - The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward.

Yard, Front - The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation of the main building.

Yard, Front Roads and Waterfronts - Are both defined as front yards or setbacks from road right-of-way lines and shorelines of water bodies.

Yard, Rear - The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the main building.

Yard, Side - The open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the foundation of the main building.

Zoning Administrator - That individual appointed by the Township Board to carry out enforcement of this ordinance.

Zoning Board of Appeals - As used in this Ordinance, the term "Board of Appeals" means the Township of Homer, Midland County, Michigan Zoning Board of Appeals.

Zoning Permit - A permit for commencing construction issued in accordance with an approved site plan for construction that complies with all the provisions of this Zoning Ordinance.

3. GENERAL PROVISIONS

3.1 Establishment of Zoning Districts. The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

Article 4	AR - Agricultural Residential District
Article 5	RR - Rural Residential District
Article 6	RA - Single Family Residential (low density) District
Article 7	RB - Single Family Residential (medium density) District
Article 8	RC - Single Family Residential (high density) District
Article 9	RD - Multiple Family Residential District
Article 10	OSC - Office Service Commercial District
Article 11	NSC - Neighborhood Service-Commercial District
Article 12	CSC - Community Service-Commercial District
Article 13	HSC - Heavy Service-Commercial District
Article 14	I - Industrial District

3.2 Provisions for Official Zoning Map. The above districts, so established, are bounded and defined as shown on the map entitled: "Zoning Map of Homer Township" adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth herein.

3.3 Changes to Official Zoning Map. If, in accordance with the procedures of this Ordinance and of Public Act 184 of 1943, as amended, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk.

3.4 Authority of Official Zoning Map. Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township Clerk, shall be the final authority as

to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

3.5 Interpretation of Zoning Districts. Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.

A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.

A boundary indicated as approximately following the corporate boundary line of the township shall be construed as following such line.

A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.

A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.

A boundary indicated as parallel to or an extension of a feature indicated in paragraph 3 shall be so construed.

A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

3.6 Application and Interpretation of Regulations. The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district.

3.7 Scope of Regulations. Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.

All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Building and Construction Codes adopted by Homer Township.

Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts. Accessory uses are permitted as listed in the various zoning districts. Special uses are permitted as listed and if the required conditions are met. All other uses are prohibited.

All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.

No part of a yard, or other open space, or off-street parking space or loading space required about or in connections with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.

No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the Zoning and Subdivision Control Ordinances of the Township, the Subdivision Control Act of 1967 as amended and the Land Division Act.

3.8 Conformance to Other Public Laws, Rules and Regulations. All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of the Zoning Ordinance. Furthermore, any business or organization in violation of local, state, or federal law is prohibited from locating or operating within Homer Township. The operation of a business or organization in violation of local, state or federal law is a violation of this Zoning Ordinance.

3.9 Conflicting Regulations. Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this Ordinance, or those contained in lawfully adopted county, state, federal or other governmental agency rules, regulations, ordinances or laws, the rule, regulation, ordinance or law, imposing the greater restriction shall apply.

3.10 Site Plan Review Procedures. All uses permitted under the provisions or consequence of this Zoning Ordinance, applying for a zoning permit, shall follow the requirements of Article 21, "Site Plan Review", except that all farm dwellings, farm buildings and single family homes located on a single lot or parcel shall only be required to submit a site plan, prepared in accordance with those relative portions of Article 21, "Site Plan Review", and submitted with the application for a zoning permit.

3.11 Zoning Permits in Relation to Building Permits. Prior to the issuance of any Building Permit in Homer Township, it shall be necessary for any applicant for construction under the provisions of the Homer Township Building and Construction Codes to first apply for and obtain a zoning permit from the Zoning Administrator of Homer Township in accordance

with the provisions of this Zoning Ordinance. Applicants for zoning permits should relate their requests to both the appropriate zoning district as to use as well as other appropriate articles.

3.12 Uses Not Specifically Listed in the Permitted or Special Use Sections or the Respective Zoning Districts. It is the intent and purpose of this Zoning Ordinance to limit the permitted and special land uses and activities to those specifically included in the respective Zoning Districts. Any uses not listed shall be added only by the Zoning Amendment procedure.

3.13 Continued Conformance with Regulations. The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

3.14 Conformance of Lots and Parcels to The Land Division Act. All uses permitted in any district shall be located on lots or parcels of land subdivided in accordance with the provisions of Public Act 288 of 1967, as amended, "The Land Division Act" and the Subdivision Regulations of Homer Township adopted and in effect at the time.

3.15 Water Supply – Waste water/Sewage Disposal shall meet the requirements of all applicable Health Department and water supply ordinances and regulations.

4. AR AGRICULTURAL RESIDENTIAL DISTRICT

4.1 Purpose. The purpose of this district is to provide for the compatible arrangement and development of parcels of land for large lot residential building purposes in a pastoral, agricultural, woodland or open land setting but which reserves and conserves that land which is most adaptable for present and future agricultural, woodland, natural resource and other extensive land uses.

4.2 Permitted Principal Uses.

Farming.

Field crop, fruit, vegetable, horticultural, maple sugar production, lumber and worm farming, and similar types of specialized farming.

Greenhouses and nurseries for trees, shrubs and plants.

Raising and keeping of cattle, horses, ponies, sheep, goats, swine and similar livestock.

Raising and keeping of rabbits, poultry, fowl and similar small animals.

On-site production and consumption of food for animals.

Apiaries.

Hatcheries.

Public and semi-public buildings for the housing of public facilities, utilities and services, including schools.

Public and private conservation areas and structures for water.

Historical places, parks, playgrounds, beaches, resorts, swimming pool and court game clubs and organizational camping and campgrounds.

Public areas for forest preserves, game refuges and similar uses.

Cemeteries; public, private or pet.

Single family dwellings.

Child day care facilities, provided that they are licensed by the State of Michigan.

Communication Towers.

4.3 Uses Permitted By Special Use Permit. The following special uses of land, buildings and structures are permitted, upon application and issuance of a Special Use Permit in accordance with Article 15:

Outdoor Kennels for Dogs

Agribusiness. The following types of business activity:

Agricultural products, production and processing operations;

Agricultural products storage facilities;

Auctions for livestock;

Bulk feed and fertilizer outlets and distribution centers;

Farm machinery: sales, service, rental and repair;

Grain elevators for storage, drying and sales;

Grain and livestock truck and cartage facilities;

Riding stables;

Sawmills;

Seed dealership outlets and distribution centers;

Veterinary hospitals, clinics and indoor kennels.

Institutional Uses. The following types of institutional uses:

Public buildings.

Public recreational playgrounds.

Nonprofit recreation areas.

Religious institutions.

Health, educational and social institutions.

Golf driving ranges and miniature golf courses.

Large Group State Licensed Residential Facilities. (foster care/group home)

Extraction of Natural Resources.

Mobile home parks.

Solar Collection Device-Large Freestanding.

Wind Energy System/Utility Grid.

4.4 Permitted Accessory Uses.

Buildings and structures customarily incidental to the operation of a principal agricultural or other use permitted in the AR District.

Buildings and structures customarily incidental to single family residential dwellings.

Signs related to permitted uses, provided that all such signs shall conform to the requirements of Article 20.

Home occupation agricultural commercial enterprises, including, but not limited to, seed and other product sales as conditioned by Section 18.

Private residential swimming pools as conditioned by Section 18.

Farm implement and vehicle repair and maintenance.

Herbicide, insecticide and fertilizer sales and application.

Greenhouses and nurseries.

Grain and feed storage facilities.

Cold storage and other storage facilities for agricultural products.

Customary home occupations, as conditioned by Section 18.

Roadside stands.

Solar collection devices attached, as conditioned by Section 18.

Solar collection devices, small freestanding, as conditioned by Section 18.

Wind energy systems, on site use, as conditioned by Section 18.

4.5 Dimensional and Other Requirements.

Lot Area: Single Family Dwelling: Minimum of one (1) acre.

Lot Width: Minimum of one hundred (100) feet on public or private road or minimum cord distance of forty-two (42) feet on a cul-de-sac of public or private road.

Minimum Floor Area: See "Dwelling," Section 18.

Yard and Setback Requirements:

Front Yard: Minimum of fifty (50) feet from the road right-of-way line.

Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be thirty (30) feet.

Rear Yard: Minimum of fifty (50) feet.

Height Limitations: Maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings accessory to dwellings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed one hundred twenty (120) feet in height.

Other Requirements: All farming activities including housing, feeding and waste removal must be consistent with the Michigan Right To Farm Act of 1981 as amended, as well as GAAMPS guidelines and the Michigan Bodies of Dead Animal Act of 1982 as amended. Those agricultural parcels not falling under the Right to Farm Act guidelines must adhere to township requirements which state all housing, corrals, manure disposal areas, feeding troughs, bins, receptacles, racks and areas shall be set back, at least, one hundred (100) feet from all property lines of the lot or parcel upon which they are located.

5. RR RURAL RESIDENTIAL DISTRICT

5.1 Purpose. The purpose of this district is to provide for single family housing neighborhoods free from other uses, except those which are (I) normally accessory and (2) compatible, supportive and convenient to the residents living within such a district.

5.2 Permitted Principal Uses.

Single family dwellings on a minimum of parcel of thirty thousand (30,000) square feet, if on-site water supply and wastewater disposal systems meet the requirements of the Midland County Health Department.

Existing types of agricultural land, building and structural uses provided they meet the AR District requirements, and those uses permitted in AR permitted principal uses <u>except</u> for communication towers, wind energy systems-utility grid, solar collection devices, large freestanding.

Child daycare facility, provided licensed by the State of Michigan.

5.3 Uses Permitted By Special Use Permit. The following special uses of land, buildings and structures are permitted upon application and issuance of a Special Use Permit in accordance with Article 15.

Institutional Uses: The following types of institutional uses:

Public buildings

Public recreational playgrounds

Non-profit recreation areas

Religious institutions

Health, educational and social institutions

Golf courses and country clubs

Large group state licensed residential facilities

5.4 Permitted Accessory Uses:

Normal existing accessory uses to single family housing and existing agricultural uses.

Normal accessory uses to permitted and approved "Special Uses".

Customary home occupations, as conditioned by Section 18.

Private residential swimming pools, as conditioned by Section 18.

Solar collection devices attached, as conditioned by Section 18.

Wind energy systems on site use, as conditioned by Section 18.

5.5 Dimensional and Other Requirements.

Lot Area: A non-farm single family residential parcel or lot shall have a minimum of thirty thousand (30,000) square feet in area.

Lot Width: Minimum of one hundred (100) feet on public or private road or minimum cord distance of forty-two (42) feet on a cul-de-sac of a public or private road.

Minimum Floor Area: See "Dwelling," in Section 18.

Yard and Setback Requirements:

Front yard: Minimum of fifty (50) feet from the road right-of-way.

Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be thirty (30) feet.

Rear Yard: Minimum of fifty (50) feet.

Height Limitations: Maximum of thirty-five (35) feet for all residential structures; a maximum of twenty-five (25) feet for all residential related accessory structures.

6. RA SINGLE FAMILY RESIDENTIAL (LOW DENSITY) DISTRICT

6.1 Purpose. The purpose of this RA Residential Zoning District is to provide for single family housing neighborhoods free from other uses, except those which are (1) normally accessory to and (2) compatible with, supportive of and convenient to the various types and compositions of families living within such residential land use areas.

6.2 Permitted Principal Uses.

Single family dwellings on lots which meet the requirements of this section.

Child daycare facility, licensed by the State of Michigan.

6.3 Uses Permitted By Special Use Permit. The following special uses of land, buildings and structures are permitted upon application and issuance of a Special Use Permit in accordance with Article 15:

Institutional Uses. The following types of institutional uses:

Public buildings

Public recreational playgrounds

Non-profit recreation areas

Religious institutions

Educational and social institutions

Golf courses and country clubs

6.4 Permitted Accessory Uses.

Normal existing accessory uses to single family housing.

Normal accessory uses to permitted and approved "Special Uses".

Customary home occupations, as conditioned by Section 18.

Private residential swimming pools, as conditioned by Section 18.

Solar collection devices attached, as conditioned by Section 18.

Wind energy systems on-site use, as conditioned by Section 18.

6.5 Dimensional and Other Requirements.

Lot Area: Minimum of twenty thousand (20,000) square feet when served by public or common sewer and water.

Minimum of thirty thousand (30,000) square feet, if lot or parcel does not have public or common sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the Midland County Health Department.

Lot Width: Minimum of one hundred (100) feet on public or private road or minimum cord distance of forty-two (42) feet on a cul-de-sac of a public or private road.

Minimum Floor Area: See "Dwelling," in Section 18.

Yard and Setback Requirements.

Front Yard: Minimum of fifty (50) feet from the road right-of-way line.

Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be thirty (30) feet.

Rear Yard: Minimum of fifty (50) feet.

Height Limitations: Maximum of thirty-five (35) feet for residential structures; a maximum of twenty-five (25) feet for all residential related accessory structures.

7. RB - SINGLE FAMILY RESIDENTIAL (MEDIUM DENSITY) DISTRICT

7.1 Purpose. It is the purpose of the Medium Density Residential District to provide for single family residential uses at reasonable densities. It is further the purpose to require lot areas large enough to protect Township groundwaters from excessive pollution due to an over-concentration of septic tank systems, particularly in areas adjacent to waterbodies and in inland areas where groundwaters need to be protected because of on or off-site human use.

7.2 Permitted Principal Uses.

Single family dwellings on lots which meet the requirements of this section.

Child day care facilities, provided that they are licensed by the State of Michigan.

7.3 Uses Permitted By Special Use Permit. The following special uses of land, buildings and structures are permitted upon application and issuance of a Special Use Permit in accordance with Article 15, "Special Uses":

Institutional Uses. The following types of institutional uses:

Public buildings

Public recreational playgrounds

Non-profit recreation areas

Religious institutions

Educational and social institutions

Golf courses and country clubs

7.4 Permitted Accessory Uses.

Normal existing accessory uses to single family housing.

Normal accessory uses to permitted and approved "Special Uses".

Customary home occupations, as conditioned by Section 18 required.

Private residential swimming pools, as conditioned by Section 18.

Solar collection devices attached, as conditioned by Section 18.

Wind energy systems on-site use, as conditioned by Section 18.

7.5 Dimensional and Other Requirements.

Lot Area: Minimum of ten thousand (10,000) square feet when served by public or common sewer and water.

Minimum of thirty thousand (30,000) square feet, if lot or parcel does not have public or common sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the County Health Department.

Lot Width: Minimum of eighty (80) feet for above and one hundred (100) feet for above, both computed on a public or private road or minimum cord distance of forty-two (42) feet on a cul-de-sac of a public or private road.

Minimum Floor Area: See "Dwelling," in Section 18.

Yard and Setback Requirements.

Front Yard: Minimum of fifty (50) feet from the road right-of-way line.

Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be thirty (30) feet.

Rear Yard: Minimum of fifty (50) feet.

Height Limitations: Maximum of thirty-five (35) feet for residential structures; a maximum of twenty-five (25) for all residential related accessory structures.

8. RC - SINGLE FAMILY RESIDENTIAL (HIGH DENSITY) DISTRICT

8.1 Purpose. It is the purpose of the High Density Residential District to provide for single family residential uses at reasonable densities. It is further the purpose to require lot areas large enough to protect Township groundwaters from excessive pollution due to an over-concentration of septic tank systems, particularly in areas adjacent to waterbodies and in inland areas where groundwaters need to be protected because of on or off-site human use.

8.2 Permitted Principal Uses.

Single family dwellings.

Child day care facilities, provided they are licensed by the State of Michigan.

8.3 Uses Permitted By Special Use Permit. The following special uses of land, buildings and structures are permitted upon application and issuance of a special Use Permit in accordance with Article 15 "Special Uses":

Institutional Uses. The following types of institutional uses:

Public buildings

Public recreational playgrounds

Non-profit recreation areas

Religious institutions

Educational and social institutions

Golf courses and country clubs

8.4 Permitted Accessory Uses.

Normal existing accessory uses to single family housing and existing agricultural uses.

Normal accessory uses to permitted and approved "Special Uses."

Customary home occupations, as conditioned by Section 18.

Private residential swimming pools, as conditioned by Section 18.

Solar collection devices attached, as conditioned by Section 18.

Wind energy systems on-site use, as conditioned by Section 18.

8.5 Dimensional and Other Requirements.

Lot Area:

A non-farm single family residential parcel or lot shall have a minimum of ten thousand (10,000) square feet in area when served by public or common sewer and water.

Minimum of thirty thousand (30,000) square feet, if lot or parcel does not have public or common sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the Midland County Health Department.

Lot Width: Minimum of eighty (80) feet and one hundred (100) feet if parcel does not have public water and sewer, both computed on public or private road or minimum cord distance of forty-two (42) feet on a cul-de-sac of a public or private road.

Minimum Floor Area: See "Dwelling".

Yard and Setback Requirements.

Front yard: Minimum of fifty (50) feet from the road right-of-way line.

Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be thirty (30) feet.

Rear Yard: Minimum of fifty (50) feet

Height limitations: Maximum of thirty-five (35) feet for all residential structures; a maximum of twenty-five (25) feet for all residential related accessory structures.

9. RD - MULTIPLE FAMILY RESIDENTIAL DISTRICT

9.1 Purpose. The purpose of this district is to provide a relatively small and less expensive type of housing, as well as a broader range of choice of housing types to people who desire to live in the Township in condominium, owner or rental units, and their normal accessory uses which are compatible, supportive or convenient to the residents living within such a district. The buildings containing the dwelling units may be in a single or group building arrangements having group use facilities held in common to which all residents have equal access and share equally in the financing or operation and maintenance. These developments will only be allowed to develop if they can be connected to a public or common water supply system and public or common wastewater sanitary sewer system.

9.2 Permitted Principal Uses.

Multiple family dwelling structures, including duplexes, triplexes, quadruplexes, garden apartments, townhouses, and other similar types of multi-family dwelling unit buildings.

Existing single family dwellings.

Child day care facilities, provided that they are licensed by the State of Michigan.

Small Group State Licensed Residential Facilities.

9.3 Uses Permitted By Special Use Permit. The following special uses of land, buildings and structures are permitted upon application and issuance of a special Use Permit in accordance with Article 15 "Special Uses":

Institutional Uses. The following types of institutional uses:

- Public buildings
- Public recreational playgrounds
- Non-profit recreation areas
- Religious institutions
- Educational and social institutions
- Golf courses and country clubs

Commercial Uses. The following types of Commercial uses:

- Retail greenhouses and nurseries for trees, shrubs and plants

9.4 Permitted Accessory Uses.

Normal accessory uses to multiple family dwelling units.

Customary home occupations, as conditioned by Section 18.

Private residential swimming pools, as conditioned by Section 18.

Solar collection devices attached, as conditioned by Section 18.

Wind energy systems on-site use, as conditioned by Section 18.

9.5 Dimensional Requirements except as otherwise specified in this Ordinance.

Lot Area: The lot area required for the first dwelling unit in a multiple family structure shall be one-half (1/2) acre. Each additional dwelling unit in the structure requires the following additional lot or parcel area:

1. Efficiency unit 2,000 square feet
2. One bedroom unit 2,500 square feet
3. Two bedroom unit 3,500 square feet
4. Three bedroom unit 5,000 square feet
5. Four bedroom unit 6,500 square feet
6. Extra bedrooms in units over four 1,500 square feet per bedroom

Lot Width: Minimum of two hundred (200) feet on public or approved private road.

Number of Dwelling Units per Gross Acre: Maximum of eight (8) dwelling units.

Yard and Setback Requirements:

Front Yard: Minimum of fifty (50) feet from the road right-of-way line.

Side Yards: Minimum distance equal to the maximum height of the structures, except where a side yard abuts a road right-of-way line, the minimum distance shall be fifty (50) feet.

Rear Yard: Minimum of fifty (50) feet.

Height Limitations: Maximum of three (3) stories or forty (40) feet, except that detached accessory structures shall not exceed thirty (30) feet.

Spacing Between Buildings: Shall be the greater of the height of the highest of the abutting buildings or thirty (30) feet.

Floor Area Requirements: Each dwelling structure shall have a minimum floor area per dwelling unit in accord with the following schedule:

Structure	Area per Dwelling Unit
Single Family Attached Single Family Detached Townhouses Two Family and Duplexes	Each dwelling unit shall have a minimum floor area of six hundred forty (640) square feet with a minimum of six hundred (600) square feet on the ground floor for units of more than one (1) story.
Multiple Family Dwelling:	
0 bedrooms (efficiency)	400 square feet
1 bedroom	550 square feet
2 bedrooms	640 square feet
3 bedrooms	900 square feet
4 bedrooms or more	1000 square feet

Number of Multiple Family Dwelling Units per Building: No multiple family residential structure shall contain more than twelve (12) dwelling units.

Definitional Requirements: Except as expressly set forth within this Article, all multiple family dwellings shall otherwise meet the requirements as established in the heading of "Dwelling" in Section 18.

9.6 Location and Site Development Requirements.

All multiple family dwelling units shall be connected to an available common or public water supply system and a common or public wastewater sanitary sewer system on a permanent basis. Water supply and wastewater disposal shall meet the requirements of all applicable Health Department and water supply ordinances and regulations.

Open spaces comprising at least ten (10) percent of the total gross area of the project shall be planned and built as a common facility to be used, operated and maintained by the developer or a nonprofit association representing the property owners and financed by means of a monthly or annual assessment.

Ingress and egress shall be provided from an impervious hard surface paved road. Drives shall be located at least twenty (20) feet from any building.

Off-street parking shall be provided in accordance with Article 19, "Off-street Parking" with parking spaces located within two hundred (200) feet of an entrance to the building for which the parking is designated.

When a Multiple Family Residential lot or parcel abuts parcels other than those located in an RD "Multiple Family Residential District", a twenty-five (25) foot wide buffer shall

be provided within the RD lot or parcel yard. The buffer area shall be bermed and landscaped with trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or other structures permitted in buffer areas, except required entrance drives and those walls, fences or plantings necessary to screen the RD use from abutting single family residential lots and parcels.

The outdoor storage of goods, materials, trash or garbage is not permitted, except as provided in Section 18.

10. OSC OFFICE SERVICE COMMERCIAL DISTRICT

10.1 Purpose. This district is intended to provide the necessary professional, administrative, personal, technical and scientific offices and related services as the principal uses. Any sale of retail goods are intended to be only incidental to or normally accessory to such principal uses. Office uses are intended to function as transition areas between retail commercial uses and residential uses.

10.2 Permitted Principal Uses. The following uses are permitted as long as they are conducted completely within a building or structure:

Offices for professionally, commercially, technically and scientifically skilled persons who provide a personal or commercial service.

Medical and dental clinics and laboratories.

General office buildings in which no manufacturing, trading or selling of goods is conducted on site, except as otherwise provided in this Ordinance.

Financial institutions.

Educational and training facilities.

Public, organizational and institutional offices.

Research laboratories provided that no heavy mechanical equipment is used in the normal operation of the laboratories and provided that the character of its research would not make it objectionable because of dust, smoke, glare, sound, odor or vibration beyond the property lines of the site upon which they are located.

10.3 Uses Permitted by Special Use Permit. The following special uses of land, buildings and structures are permitted upon an application and issuance of a Special Use Permit in accordance with article 15.

Residential Treatment Center.

10.4 Permitted Accessory Uses.

Normal accessory uses to "Permitted Principal Uses".

Incidental services provided for employees and visitors connected with the principal use, including child care centers, recreational and physical health facilities, swimming pools, conference, educational, library and meeting facilities, sales display facilities and maintenance, storage and repair facilities, selling of goods produced or used on-site that are directly related to the permitted principal use.

Incidental commercial services that serve only the occupants and guests of the offices and have access only from inside or immediately adjacent to the building in which the occupants and guests are located, including restaurants, lunch counters, newsstands, barber and beauty shops, banking facilities, overnight housing of guests, parking ramps and emergency medical facilities.

Solar collection devices attached, as conditioned by Section 18.

Solar collection devices-small freestanding, as conditioned by Section 18.

Wind energy systems on-site use, as conditioned by Section 18.

10.5 Dimensional Requirements.

Lot Area: Adequate to accommodate all of the specific requirements for lot area coverage, off-street parking, for all on-site uses, yards and setbacks, water supply and wastewater disposal but not less than one-half (1/2) acre.

Lot Width: Minimum of one hundred fifty (150) feet when on-site well water supply or septic tank wastewater disposal systems is used, or a minimum of eighty (80) feet when public or common water supply and wastewater and treatment systems directly service the lot or parcel, both computed on public or approved private road.

Yard and Setback Requirements.

Front Yard: Minimum of fifty (50) feet from all road or highway right-of-way lines except that the minimum shall be at least eighty (80) feet on M20 and Saginaw Road.

Side Yards: Minimum of twenty (20) feet for one (l) side yard, but a minimum total of fifty (50) feet for both side yards.

Rear Yard: Minimum of forty (40) feet.

Height Limitations: Maximum of forty (40) feet. Detached accessory buildings shall not exceed thirty (30) feet.

Outdoor Storage: The outdoor storage of goods, materials, trash or garbage is not permitted, except as provided in Section 18.

11. NSC NEIGHBORHOOD SERVICE COMMERCIAL DISTRICT

11.1 Purpose. This district has the intent of providing areas wherein retail trade and service outlets can be located in order to satisfy the day to day needs of the residents in the immediate neighborhood.

11.2 Permitted Principal Uses. The following uses are permitted as long as the use is conducted completely within an enclosed building:

- Antique stores
- Art merchandising studios
- Bakeries
- Barber and beauty shops
- Bicycle stores
- Book and Stationery stores
- Car washes
- Clothing stores
- Commercial garages
- Delicatessens
- Dry cleaning and laundry and dry cleaning stores
- Dry goods and notion stores
- Educational and social institutions
- Funeral homes
- Furniture stores
- Gift shops
- Greenhouses and nurseries conducted indoors
- Grocery store
- Hardware and paint stores
- Household appliance stores
- Interior decorator shops
- Jewelry stores
- Medical and Dental offices in complexes which may include:
  - Garment & prosthetic appliance stores
  - Medical, Dental, Optical Laboratories
  - Pharmacies
- Music stores
- Novelty shops
- Office supply stores
- Offices for:
  - Financial institutions
  - Insurance
  - Professionals
  - Real estate
- Pet stores
- Pharmacy
- Photographic studios
- Professional health care services
- Public buildings

Public service installations
Religious institutions
Restaurants
Self-service laundry and dry cleaning stores
Shoe repair shops
Sporting Goods Store
Toy stores
Tailor and dressmaker shops
Temporary buildings in construction projects
Variety stores
Veterinary hospitals

Miscellaneous:
- Business management consultants
- Business service stores
- Consumer credit reporting agencies
- Mailing and stenographic services

11.3 Uses Permitted By Special Use Permit. The following special uses of land, buildings and structures are permitted upon application and issuance of a Special Use Permit in accordance with Article 15:

Automotive gasoline and service stations.

Drive-in retail and service establishments.

Shopping Centers for a collective grouping of two (2) or more of the principal uses permitted in this district.

11.4 Permitted Accessory Uses.

Normal accessory uses to all "Permitted Principal Uses".

Normal accessory uses to all "Permitted Principal Special Uses".

Solar collection devices attached, as conditioned by Section 18.

Solar collection devices-small freestanding, as conditioned by Section 18.

Wind energy systems on-site use, as conditioned by Section 18.

11.5 Dimensional Requirements, Except as Otherwise Specified in this Ordinance.

Lot Area: Minimum of one (1) acre per principal use, except where a lot or parcel is served by a public or common water supply system and a public wastewater sewer and treatment system, in which case the lot or parcel may have a minimum area of ten thousand (10,000) square feet per principal use. Planned Shopping Centers shall meet

the requirements of Article 15, "Special Uses" for a collective grouping of two (2) or more of the uses permitted in this district.

Lot Width: Minimum of one hundred fifty (150) feet when on-site well water supply or septic tank wastewater disposal systems is used, or a minimum of eighty (80) feet when public or common water supply and wastewater and treatment systems directly service the lot or parcel, both computed on public or approved private road.

Yard and Setback Requirements.

Front Yard: Minimum of fifty (50) feet from all road or highway right-of-way lines, except that the minimum shall be at least eighty (80) feet on M-20 and Saginaw Road.

Side Yards: Minimum of ten (10) feet for one (1) side yard, but a minimum total of twenty five (25) feet for both side yards.

Rear Yard: Minimum of fifty (50) feet.

Height Limitations: Maximum of forty (40) feet, except that a detached accessory structure shall not exceed thirty (30) feet except as otherwise provided in this ordinance.

Outdoor Storage: The outdoor storage of goods, materials, trash and garbage is not permitted, except as provided in Section 18.

12. CSC COMMUNITY SERVICES COMMERCIAL DISTRICT

12.1 Purpose. This district has the intent of providing areas wherein retail trade and service outlets can be located which are convenient to the residents of several neighborhoods and the owners, employees, guests and customers of office, other commercial, industrial and agricultural uses and activities in the Township and adjacent municipalities.

12.2 Permitted Principal Uses.

All NSC principal and permitted accessory uses
Auto parts stores
Bowling alleys, pool halls and mechanical amusement centers
Building material stores
Commercial, private or business schools
Drive-in businesses
Drive-in restaurants
Farm implement and supply stores
Fast-food restaurants
Fortune Telling Establishment
Garden stores
Golf driving ranges
Indoor kennels
Miniature golf courses
Mini-warehouses
Motels and hotels
New and used automobiles
New and used boats
New and used campers, recreational vehicles and trailers
New and used mobile homes
New and used motorcycles
Printing and publishing establishments
Public service and utility installations
Second-hand stores with no outside storage
Service and repair shops
Tattoo/Body Piercing Shops
Temporary and transient amusement enterprises
Theatres, indoor and outdoor
Veterinary clinics
Warehouses

12.3 Uses Permitted By Special Use Permit. The following special uses of land, buildings and structures are permitted upon application and issuance of a Special Use Permit in accordance with Article 15.

Shopping Centers for a collective grouping of two (2) or more of the principal uses permitted in this district.

Automobile service stations.

12.4 Permitted Accessory Uses.

Normal accessory uses to all "Permitted Principal Uses".

Normal accessory uses to all "Permitted Principal Special Uses".

Solar collection devices attached, as conditioned by Section 18.

Solar collection devices-small freestanding, as conditioned by Section 18.

Wind energy systems on site use, as conditioned by Section 18.

12.5 Dimensional Requirements, Except as Otherwise Specified in this Ordinance.

Lot Area: Minimum of one (1) acre per principal uses, except where a lot or parcel is served by a public or common water supply system and public wastewater sewer and treatment system, in which case the lot or parcel may have a minimum area of ten thousand (10,000) square feet per principal use. Planned Shopping Centers shall meet the requirements of Article 15, "Special Uses" for a collective grouping of two (2) or more of the uses permitted in this district.

Lot Width: Minimum of one hundred fifty (150) feet when on-site well water supply or septic tank wastewater disposal systems is used, or a minimum of eighty (80) feet when public or common water supply and wastewater sewerage and treatment systems directly service the lot or parcel, both on public or approved private road.

Yard and Setback Requirements:

Front Yard: Minimum of fifty (50) feet from all road or highway right-of-way lines, except that the minimum shall be at least eighty (80) feet on M-20 and Saginaw Road.

Side Yards: Minimum of ten (10) feet for one (1) side yard, but a minimum total of twenty five (25) feet for both side yards.

Rear Yard: Minimum of fifty (50) feet.

Height Limitations: Maximum of forty (40) feet, except that a detached accessory structure shall not exceed thirty (30) feet except as otherwise provided in this ordinance.

Outdoor Storage: The outdoor storage of goods, materials, trash or garbage is not permitted, except as provided in Section 18.

13. HSC HEAVY SERVICE COMMERCIAL DISTRICT

13.1 Purpose. The purpose of the "HSC" Heavy Service Commercial District is to provide for those commercial uses that do not cater directly to small numbers of individual consumers of goods and services through small retail outlets, but rather provide goods and services on a warehouse, wholesale, bulk, mass or major scale which are offered to major and bulk purchasers and retail and service outlets that in turn provide goods and services on an individual item basis to individual consumers. It is also the intent of this District to provide for light manufacturing of goods sold on the premises and for transportation and related service facility uses necessary to the transporting, distributing, transferring, handling and warehousing of bulk goods and services.

13.2 Permitted Principal Uses.

Facilities necessary to the operation of all existing methods of transportation, including those for highway, rail and air, including truck terminals and railroad sidings.

Warehousing and related bulk handling facilities, equipment and support services.

Bulk handling of commercial and industrial services and related facilities, equipment and support services.

Contractor buildings, structures and equipment and materials; storage yards for building and other types of construction:

Building material supply establishments.

Manufacturing when conducted in conjunction with the retail sale of the product produced on the premises and where the total square footage of the structure(s) used by the establishment in manufacturing does not exceed seventy thousand five hundred (7,500) square feet.

Communication Towers.

13.3 Uses Permitted By Special Use Permit. The following special uses of land, buildings and structures are permitted upon application and issuance of a Special Use Permit in accordance with Article 15:

Adult Business/Services

Bulk storage and distribution facilities for petroleum and gas products, paints and chemicals.

Junk/Salvage yards

Solar collection device-large freestanding

13.4 Permitted Accessory Uses.

Accessory buildings and uses customarily incidental to above named principal permitted uses.

Signs in accordance with the relevant requirements detailed in Article 20 (Sign Requirements), herein.

Outdoor storage of goods or materials when directly related to business(es) on site and when properly screened.

Solar collection devices attached, as conditioned by Section 18.

Solar collection devices-small freestanding, as conditioned by Section 18.

Wind energy systems on-site use, as conditioned by Section 18.

13.5 Dimensional Requirements.

Lot Area: Minimum of eighty thousand (80,000) square feet if on-site water supply or wastewater disposal are to be used.

Minimum of forty thousand (40,000) square feet if public sanitary sewer and wastewater treatment facilities are used.

Lot Width: Minimum of two hundred (200) feet if on-site water/sewer on public or approved private road.

Minimum of one hundred twenty (120) if public sanitary sewer on approved private road.

Yard and Setback Requirements:

Front Yard: Minimum of fifty (50) feet from all road and highway right-of-way lines, except that the minimum shall be at least eighty (80) feet on M-20 and Saginaw Road.

Side Yard: Minimum of twenty-five (25) feet, except that if adjacent to a Residential District the side yard shall be a minimum of fifty (50) feet.

Rear Yard: Minimum of fifty (50) feet.

Height Limitations: Maximum of forty (40) feet. Detached accessory buildings shall not exceed thirty (30) feet except as otherwise provided in this ordinance.

Location and Site Development Requirements.

All uses shall meet the requirements for off-street parking and loading and unloading as specified in Article 19.

If an HSC zoned parcel adjoins a Residential Zoning District or if it stores goods or materials outdoor earth berms, which shall be constructed to a height of five (5) feet above the mean elevation of the center line of the public highway, or five (5) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to two (2) feet horizontal, and shall be planted with grass, trees and shrubs.

14. I - INDUSTRIAL DISTRICT

14.1 Purpose. It is the intent of this district to provide for the development of sites for industrial plants in which the manufacture of goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers, or to bulk or wholesale commercial purchasers. It is the further intent of this district to permit only those industrial manufacturing uses having use, performance or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located.

14.2 Permitted Principal Uses. The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located, except as otherwise provided in this Ordinance:

Commercial garages
Communication Towers
Contractor's establishments
Dry bulk blending plants
Electrical and electronic equipment manufacturers
Fabricated metal products
Grain elevators - storage and retail sales
Handling of liquid nitrogen, fertilizer and anhydrous ammonia
Jobbing and machine shops
Manufacturing
Metal plating and finishing
Monument and cut stone manufacturers
Outdoor storage
Plastic products forming and molding
Printing and publishing
Processing of machine parts
Public service and utility facilities
Research and development establishments
Storage facilities for building materials - indoor and outdoor
Storage or transfer warehouses
Temporary buildings
Trade and industrial schools
Truck and rail freight terminals
Warehouse, including mini-warehousing
Wholesale trade stores

14.3 Uses Permitted By Special Use Permit. The following special uses of land, buildings and structures are permitted upon application and issuance of a Special Use Permit in accordance with Article 15:

1. Adult Business/Services

2. Junk/Salvage Yards

3. Planned Industrial Parks for the collective grouping of two (2) or more of the principal uses permitted in this district.

4. Solar Collection Devices-large freestanding

14.4 Permitted Accessory Uses. The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the principal use is located:

Banking
Caretakers quarters
Education, library and training facilities
Medical and health care facilities
Normal accessory uses to all Permitted Principal Uses
Office facilities
Recreation and physical fitness facilities
Research and experimentation facilities
Restaurants
Sales display facilities and areas
Solar collection devices attached, as conditioned by Section 18.
Solar collection devices-small freestanding , as conditioned by Section 18.
Truck and equipment service, maintenance, repair and storage facilities
Warehouse and storage facilities
Wind energy systems on-site use, as conditioned by Section 18
Work clothing sales and service facilities

14.5 Requirements for all District Uses

Access Roads: All uses shall only have vehicular access via a hard surface State Class A paved road, including the road system which connects it to the state and federal designated highway routes.

Barriers: All development for the permitted uses shall be physically separated from access roads by a curb and a planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress, except by approved accessways or driveways.

Screening: When adjacent to or across the road from existing residential usage or any residential zoning districts an industrial use of a lot or parcel shall provide a landscaped greenbelt or wall screen in accordance with Section 18.

Sewage Disposal: Permitted industrial uses shall be served by a public sewer service or a sanitary treatment facility approved by the County Health Department and the provisions of this ordinance.

Toxic Hazardous Waste Disposal: All toxic shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic hazardous substances.

14.6 Dimensional Requirements, Except as Otherwise Specified in this Ordinance.

Lot Area: Minimum of two (2) acres per principal use, except where a lot or parcel is served by a public or common water supply system and a public or common wastewater sewerage and treatment system, in which case the lot or parcel may have a minimum area of forty thousand (40,000) square feet per principal use.

Lot Width: Minimum of two hundred (200) feet when on-site well water supply or septic tank wastewater disposal system is used or a minimum of one hundred twenty (120) feet when public or common water supply and wastewater sewerage and treatment systems directly serve the lot or parcel, both computed on public or approved private road.

Yard and Setback Requirements:

Front Yard: Minimum of fifty (50) feet from all road or highway right-of-way lines except that the minimum shall be at least eighty (80) feet from M-20 and Saginaw Road.

Side Yards: Minimum of twenty (20) feet for one (1) side yard, but a minimum total of fifty (50) feet for both side yards.

Rear Yard: Minimum of fifty (50) feet.

Height Limitations: Maximum of forty (40) feet, except that a detached accessory structure shall not exceed thirty (30) feet, except as otherwise provided in this Ordinance.

Toxic Hazardous Waste Disposal: All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic hazardous substances.

Outdoor Storage. The storage of goods, materials, trash or garbage is not permitted outside the principal or accessory buildings or structures, except as specified in Section 18.

15. SPECIAL USES

15.1 Purpose. The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses which may be necessary or desirable to allow in definable locations in certain districts; but, which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the permitted uses in a district. Such uses require a Special Use Permit.

15.2 Authority to Grant Permits. The Township Board shall have the authority to grant Special Use Permits, after the review and recommendation of the Planning Commission, and subject to such conditions of design and operations, safeguards and time limitations as it may determine for all special uses conditionally allowed in the various district provisions of this Ordinance and in accordance with applicable conditions in Article 3. Upon approval by the Township Board, the Township Zoning Administrator shall issue a Special Use Permit to the applicant. It shall be the responsibility of the Township Zoning Administrator to monitor compliance with the terms, conditions and restrictions of any Special Use Permit and take any enforcement action necessary in the event of violation of such permit.

15.3 Application and Fees. Application for any Special Use Permit allowed under the provisions of this Ordinance shall be made to the Township Clerk by filling in the official special use permit application form, submitting required data, exhibits and information; and depositing the necessary fee in accordance with the Township schedule of fees with the Township Clerk. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable to an applicant.

15.4 Data. Exhibits and Information Required in Applications. An application for a Special Use Permit shall contain (a) the applicant's name and address in full, (b) if the applicant is not the owner of record, then a notarized statement must be presented that the applicant is acting on behalf of the owner and with the owner's approval, (c) the address of the property involved, (d) an accurate survey and site plan, in accordance with Article 21 hereof, of said property showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and (e) a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance.

15.5 Public Hearing. The Township Planning Commission shall hold a public hearing, or hearings, upon any application for a Special Use Permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township. The notice shall be given not less than fifteen (15) days prior to the hearing.

15.6 Standards and Findings for Making Determinations. The Planning Commission shall review, report and recommend to the Township Board the particular circumstances and facts of each proposed special use in terms of the specific use standards set forth within this Article, as well as each of the following general standards, and shall find and record adequate

data, information and evidence showing that such a special use on the proposed site, lot, or parcel:

Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.

Will be designed, constructed, operated, maintained and managed so as to be compatible in appearance and use environment with the existing or intended adjacent uses of land and the natural environment.

Will be served adequately by essential public facilities and services; such as, highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.

All traffic ingress and egress and all traffic movement within the site shall be well defined.

Will not be hazardous or disturbing to neighboring uses or cause any conflicts to the existing use and quiet enjoyment of surrounding property.

Will not create excessive additional requirements at public cost for public facilities, utilities and services.

Will not involve activities, processes, materials, equipment and conditions of operations that will be detrimental to any person, property or the general welfare because of excessive production of traffic, noise, smoke fumes, glare or odors.

15.7 Special Use Permit Approval/Denial/Revocation/Appeal

Approval of a Special Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner(s). Compliance with Special Use Permit terms and conditions shall be reviewed annually by the Township Zoning Administrator and/or Township Board.

In an instance where development authorized by a Special Use Permit has essentially changed in nature, extent or character or has not commenced within one (1) year from the date of issuance, the Township Board may again review the permit in relation to the applicable requirements and standards of this Ordinance and may revoke the permit after a thirty (30) day notice to the permit holder and opportunity to be heard. A violation of a Special Use Permit is a violation of this Ordinance.

A special use permit shall be denied by the Township Board if they determine that standards identified in the zoning ordinance have not been met. Denial of a special use permit may be addressed by either bringing the standard(s) out of compliance into compliance and reapplying or by appealing the written denial issued by the township board to the Zoning Board of Appeals within 30 days of the date of the denial.

15.8 Outdoor Kennels for Dogs.

All dog kennels shall be operated in conformance with all applicable township, county, state and federal regulations; permits being valid no longer than one (1) year.

For dog kennels, the minimum lot size shall be one (1) acre for up to six (6) dogs and an additional one-sixth (1/6) acre for each one (1) additional dog.

Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than 100 feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear or side yard setback area.

Such facilities shall be subject to other conditions and requirements of the Planning Commission as it reasonably deems necessary to insure against the occurrence of possible nuisance by requiring necessary minimum distances, berms, fencing, soundproofing and sanitary requirements.

15.9 Agribusiness.

The following types of businesses ("Agribusiness") are subject to the standards set forth below:

Products, production and processing operations

Products storage facilities

Auctions for livestock

Bulk feed and fertilizer outlets and distribution centers

Farm machinery: sales, service, rental and repair

Grain elevators for storage, drying and sales

Grain and livestock truck and cartage facilities

Greenhouses and nurseries

Riding stables

Sawmills

Seed dealership outlets and distribution centers

Veterinary clinics and indoor kennels

Standards. An agribusiness shall be buildings, structures, lots, parcels, or parts thereof, which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities and comply with the following:

Minimum lot or parcel area shall be five (5) acres and minimum road frontage shall be three hundred (300) feet, except as otherwise required for specific uses listed.

All agribusiness uses shall be located at least two hundred fifty (250) feet from all RR, RA, RB, RC and RD Zoning District boundary lines.

All agribusiness uses shall meet the requirements of the State and County Health Departments for water supply, liquid and solid waste disposal and other applicable health and sanitation requirements.

15.10 Institutional Uses.

The following types of institutional uses are subject to the standards set forth below:

Public buildings

Public recreational playgrounds

Non-profit recreation areas

Religious institutions

Health, educational and social institutions

Golf driving ranges and miniature golf courses.

Large Group State Licensed Residential Facilities.

Standards: The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting an impervious hard surface paved road, shall have at least 200 feet of frontage on that paved road and the site shall be so planned as to provide all access directly to said road.

Front, side and rear yards shall be set back at least one hundred (100) feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential lots and parcels.

Shall meet all other applicable requirements of this Zoning Ordinance.

15.11 Junk/Salvage Yards. Junk/Salvage Yards may be established and maintained in appropriate zoned districts in accordance with all state, federal and applicable environmental

regulations as well as with all township ordinances, including the Homer Township Junk/Salvage Ordinance.

15.12 Mobile Home Parks. All mobile home parks shall comply with the requirements of Public Act 96 of 1987, "The Mobile Home Commission Act", MCL 125,2301, et seq, as amended, the regulations promulgated pursuant to that Act and the following:

License and Certificate Requirements - It shall be unlawful for any person or corporation to conduct or operate a mobile home park in Homer Township without a currently valid license issued by the Director of the Michigan Department of Public Health.

Periodic Inspection - The Zoning Administrator and/or his authorized agent or agents are hereby granted the power and authority to enter upon the premises of a mobile home park at any time for the purpose of determining and/or enforcing any provision of this or any other Township Ordinance applicable to the construction and operation of a mobile home park.

15.13 Automotive Gasoline Service Stations. All gasoline service stations or filling stations shall conform to the following regulations in addition to all applicable regulations in effect in the district in which they are to be located as well as all applicable state, federal and environmental laws in effect at the time of established and on-going operations.

Frontage and Area: Every gasoline service station shall have a minimum frontage of two hundred (200) feet and a minimum area of thirty thousand (30,000) square feet.

Setbacks: Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and a minimum setback from all property lines of fifty (50) feet.

Construction and Operation Standards: All vehicle service areas shall be constructed and operated to conform to the following standards:

Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.

The entire area used for vehicles service shall be paved with a hard surface, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.

The maximum widths of all driveways at the public sidewalk crossing or road like shall be no more than twenty-four (24) feet.

Minimum angle or driveway intersection with the roadway from the curb line to lot line shall be no less than sixty (60) degrees. No left turns from the service

station onto to road with more than two lanes (total) shall be permitted within 100 feet of an intersection.

The minimum distance of any driveway from any property line shall be at least twenty (20) feet.

The minimum distance between roadway curb cuts shall be no less than forty (40) feet.

All lighting shall be installed in a reasonable manner so that the illumination source is of minimal visibility beyond all property lines.

15.14 Solar Collection Devices-Large Freestanding. Shall conform to the following:

Responsibilities: If the applicant is not the property owner the applicant must present legal authority to represent the property and bind the property owner who will construct, own, and/or operate the large freestanding solar collection devices. The duties, obligations and liabilities associated with the large freestanding solar collection devices shall lie with the applicant and property owner, jointly and severally. Evidence of insurance to cover potential claims must be presented on application. If the applicant's intent is to install a customer-owned system that will be interconnected to the power grid, written evidence that the area's electrical utility provider has been notified will be required (interconnection and parallel operating agreement). Off-grid systems are exempt from this requirement.

Permits: A special use permit and site plan must be secured for each site requested and should contain the following specific information in addition to all general information required: exact placement of the collection devices on the property; height, length and angle of collection devices, lot size, zoned district setback requirements, detailed description of all land/timber clearing that is proposed; site access roads for development and service; provisions for mitigating reflection/glare, site security. The height of the solar collection devices must not exceed the height allowed for accessory buildings in the zoned district where the collection devices are located.

Code Compliance: All devices must be designed and installed in compliance with the manufacturer's installation instructions and comply with all township building, electrical and any other applicable codes. A copy of the manufacturer's instructions and design prints may be required by the township.

Reflection/Glare: The collection devices must be installed so the solar reflection/glare does not interfere with surrounding structures and roadways. This may be accomplished by both the placement and angle of placement of the collection devices as well as substantial manmade or environmental barriers. If trees are used as barriers they must be of such initial height as to provide a shield from the reflection/glare. Glare intensity is considered an issue if it measures more than 20% of the incident sun intensity. These plans must be included in the initial plans submitted.

Electromagnetic Interference: Collection sites/devices shall be installed so as not to cause electromagnetic interference and must comply with all applicable Federal Communications Commission (FCC) guidelines. In the event that such interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected. The applicant shall be responsible for compensation to persons or property damaged by stray voltage.

Inspection: The township shall have the right, upon issuing the required permits, to inspect the premises on which the solar collection devices are located at all reasonable hours. The Township, within its reasonable discretion, may retain the services of a recognized professional in the area of solar conversion systems to assist and/or advise it in the review of the application or site if deemed necessary. The expense thereof shall be the responsibility of the applicant/permit holder. The Township Board or Planning Commission may request the applicant to post a deposit or secure a bond for such a contingency.

Abandonment: Any freestanding solar collection site/system which has not been in use for six (6) months shall be deemed abandoned and the applicant/permit holder will be so notified in writing by the township and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the township and request a 3 month extension. If a site has been deemed abandoned and no request for an extension is received the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If this is not done by the applicant/permit holder the township will have the removal and restoration done at the owner/applicant's expense.

15.15 Wind Energy Systems-Utility Grid shall conform to the following:

RESPONSIBILITIES: If the applicant is not the property owner the applicant must present legal authority to represent the property and bind the property owner who will construct, own, and /or operate the utility grid wind energy system. The duties, obligations and liabilities associated with this wind energy system and the special use permit shall lie with the applicant and property owner, jointly and severally.

PERMITS/FEES: In addition to a special use permit, a site plan must also be secured for each site requested. Both the special use permit request and site plan must contain all required information. All required township permits, including but not limited to a building permit for any accessory structure on-site, electrical permits, and permits required by any other applicable township codes must be secured. All applicable fees must be submitted prior to any reviews.

INSURANCE/BONDING: Proof of public liability insurance and/or bond sufficient to cover any potential claims must be presented before any developmental work may begin if the special use permit and site plan are approved.

REQUIRED DOCUMENTATION:

Written narrative describing the proposed project identifying all boundaries, paper and/or GIS view of the proposed area showing present and proposed structures, roads, towers, utility easements, county drains, railways, current above & underground gas/water/sewer/septic/irrigation lines, proposed access roads, substation and accessory buildings, fencing, and the height of all projected structures; anticipated start and completion date; all studies that will be done or are required by the township, manufacturers' material safety data sheets, decommissioning plan, and complaint resolution process.

Written agreement between applicant and property owner for use of land and acknowledgement that the decommissioning process poses some risk of the concrete bases remaining in place if they are unable to be properly removed.

Wind site assessment studies must be done prior to approval of the construction of a utility grid wind energy system. These will determine the wind speeds and the feasibility of using the site. Installation of an anemometer tower to determine wind speeds will need a separate special use permit. The distance from the center of the anemometer tower and the property line of the leased property and the non-leased property line shall be at least the height of the anemometer tower.

Sound pressure levels. The applicant shall provide modeling and analysis that the system will not exceed the maximum permitted sound pressure levels at all perimeter areas of the proposed site. Sound pressure levels should not exceed 55 dB(A) for more than 3 minutes in any hour of the day except for short-term events such as utility outages and/or severe wind storms. Within 60 days of commercial operation actual sound pressure level measurements shall be taken, preferably by a third party, at all perimeter areas of the actual site to document the actual sound pressure levels. If the maximum permitted levels are exceeded the initial mitigation plan presented must be implemented within 30 days of the initial assessment. The Township may require additional studies based on community input.

Ordinance/Statute/Code compliance Applicant shall show evidence of compliance with applicable local, state and federal construction/building and electrical codes as well applicable local, state and federal statutes/ordinances including but not limited to the following:

Part 31 Water Resources Protection (MCL 324.3101 et.seq)
Part 91 Soil Erosion & Sedimentation Control (MCL 1324.9109 et.seq)
Part 301 Inland Lakes & Streams (MCL 1324.30101 et. seq)
Part 303 Wetlands (MCL 324.39391 et. seq)
Michigan Tall Structure Act (MCL 459.481 et seq.)
Michigan Airport Zoning Act (MCL 259.431 et.seq.)
All other applicable laws/rules in force at the time of application

Pre-authorization Studies: The township may request the applicant to do any/all of the following studies prior to approval of the special use permit/site plan:

Environmental assessment/impact study conducted by a third party identifying the impact on wetlands, fragile ecosystems, historical/cultural sites and antiquities.

Avian and Wildlife Impact study conducted by a third party identifying refuges, migration routes, endangered species, mortality studies from other such sites..

Financial impact study on the surrounding properties/area.

Shadow Flicker Analysis showing where shadows or changes in light density caused by any moving components of any wind collection device shall fall upon any occupied structures. The analysis should show areas where shadow flicker may occur from sunrise to sunset over the course of a year. If shadow flicker falls upon any occupied structure more than thirty (30) hours per year measures that shall be taken to mitigate or eliminate this problem must be identified.

Setbacks

Each utility grid wind collection device shall be set back from the nearest habitable structure, school, hospital, church, public library, other occupied buildings, all public rights of way and all property lines no less than the total height of the wind energy tower including the top of the blade in its vertical position.

Access roads shall be located so as to minimize the disruption to agricultural activity, therefore the location of such access roads is encouraged along internal property line.

Electromagnetic Interference: Utility grid wind energy systems located in proximity to any fixed broadcasting, retransmission or reception antennas for television, radio, or wireless services, other personal communications systems, or within line of sight of an existing microwave communications link where there could be electromagnetic interference with signal transmission or reception must comply with all Federal Communications Commission (FCC) guidelines.

Visual Impact

Wind collection components shall be mounted on tubular towers, painted a non-reflective, non-obtrusive, matte finished color. The appearance of all components of the system (towers and buildings), shall be maintained throughout the life of the wind energy system.

The wind energy system shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the safety and security thereof. All lighting shall be positioned so as not to reflect on or into habital structures or public rights of way

No advertising of any type is permitted on any part of the wind energy conversion system or land except that required to identify the manufacturer and how to reach the operator of the system should an emergency or need arise.

Power Lines The electrical collection system shall be placed underground at a depth designated to accommodate the existing agricultural land use to the maximum extent practicable. Overhead transmission lines may be placed from substations to points of interconnection to the electric grid or in other areas necessary in accordance with setback requirements applicable to public utilities.

Safety Features

The minimum vertical blade tip clearance from grade shall be 20 feet for wind energy systems employing a horizontal axis rotor.

All collection system wiring shall comply with all applicable safety and stray voltage standards.

All access doors to towers and electrical equipment shall be lockable and locked when not being used by authorized personnel. Towers shall not be climbable on the exterior.

Appropriate warning signs shall be placed on towers, electrical equipment, and facility entrances.

Appropriate signage with emergency contact information shall be located at one or more places on site.

Road address signage must be posted at the roadway access point to direct emergency responders.

All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site.

Since ice throw may occur from the turbine blades/panels notice of this should be given to each residence located on the perimeter of the site as well as posted on all sides of the site perimeter. The sign should state "Ice throw from the rotating parts of the tower may occur under certain weather conditions." The applicant and property owner shall be jointly and/or separately responsible for any damages caused by ice throw.

Public Road Repair: If there is damage to public roads due to delivery of materials to the wind energy conversion site the applicant and/or the township must notify the County Road Commission. The County Road Commission will determine what repairs need to be done, by whom and when. All repairs must be in accordance with County Road Commission guidelines and are at the applicant's expense.

Maintenance and Compliance

Maintenance plans/program must be submitted and include scheduled maintenance that complies with manufacturer's/regulatory guidelines.

Compliance with township building codes shall require manufacturer installation instructions and blueprints as an attachment to the application. These instructions should include

drawings of the structural components of the system and support structures, including base and footings provided along with engineering data and calculations to determine compliance with the structural design provisions of the building township building codes. All drawings, specifications and calculations shall be certified by and under seal of a registered professional engineer licensed in the state of Michigan.

The township, within its reasonable discretion, may retain the services of an engineer or other recognized professional to assist and advise it in the review and examination of an application for large wind energy conversion systems and may use these services in subsequent inspections. All such expenses for such services shall be at the applicant's expense. The township may require the applicant to post a deposit for such fees prior to or as a condition of continuation of the special use permit.

A post construction certification that the project complies with all applicable township codes, industry standards, and federal and state and laws, along with a paper and GIS file of the completed site must be submitted before actual operations begin.

The Township shall have the right, upon final approval of all permits by the Township Board, to inspect the site at all reasonable times.

Bond: A bond must be secured by the applicant upon final approval of the project by the Township Board but prior to any work being done at the proposed site. The monetary amount is determined by the Board depending on the site. The amount of the bond takes into consideration the potential for initial and subsequent development damages, ongoing monitoring and site restoration that will be required upon abandonment. If the actual costs in any area exceed the amount in the bond, the applicant/property owner will be financially responsible for the total costs.

Liability The applicant shall insure each Wind Energy Conversion system for an amount mutually agreed to by the applicant and the Township Board. The insurance shall cover the applicant, land owner and the township. Proof of such insurance must be presented prior to any work being done at the proposed site.

Abandonment/Removal/Restoration

The applicant shall submit a plan describing the intended disposition of the large wind energy conversion system at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. The plan should include anticipated life of the project, estimated decommissioning costs, net of salvage value in current dollars, and the method of ensuring that funds will be available for the decommissioning and restoration.

Any large wind energy system which is not used for six (6) months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. If this is not done by the applicant or property owner after having been served notice, the township will have the removal done with the costs being charged to the applicant and/or property owner.

The land must be returned to its original state. Concrete bases will be removed four feet below ground level with appropriate drainage and filled with like soil that was removed.

The obligation for the removal and restoration expenses are joint and several, among the owner of the real property upon which the large wind energy conversion system was located , the owner of the system and the operator of the system.

Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

15.16 Extraction of Natural Resources. Permitted Uses. The following special uses will be permitted only in the AR District and when applicable, in conformance with P.A. 303 of 1982, as amended "Michigan Surface and Underground Mine Reclamation Act", updates to this act and all other applicable Federal, State, and environmental laws.

The excavation or mining of sand and gravel. The incidental excavation of sand gravel for on-site use only are excluded from the regulations of this Ordinance except for the setback and yard requirements.

The processing, storage, loading, and transportation of sand and gravel, incidental to its marketing.

The mining of clay and topsoil.

The extraction of peat or marl.

The quarrying of stone.

Permitted Accessory Uses. Any use customarily incidental to the permitted principal special use.

Extractive Mining Area, Bulk and Equipment Location Requirements:

Limits of Excavation: Setback from all property lines and public highways, must assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and seventy-five (75) feet from any public highway or road.

Placement of Processing Plants: The permanent processing plant and its accessory structures shall not be closer than two hundred fifty (250) feet from any property line or public highway or road.

Elevation of Plant Site: Wherever practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.

Management of Storage Piles and Overburden: Storage piles of processed material and overburden stripped from mining areas shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public highway or road.

Minimum site area for natural resource extraction sites under this Ordinance shall be twenty (20) acres.

General Requirement. Natural resource extraction operations shall be carried out under the conditions of a Special Use Permit, issued and maintained under the following requirements:

Before commencement of mining operations, the operating company shall file an operational plan with the Township, which plan and any necessary subsequent revisions shall be approved by the Township Board after recommendation of the Planning Commission, setting forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be followed in the transportation of finished materials. This plan, and any approved necessary subsequent revisions, shall be filed with the Zoning Administrator by the Township Board.

The operational plan, which shall be submitted to and approved by the Township Board, shall include a determination of the net operational areas, i.e., the area stripped of overburden, the area being mined, the area used for structures and storage piles, and worked out areas which have not been reclaimed. Performance bonds, hereinafter considered in relation to the reclamation of the area, shall be calculated on the basis of the net excavation and operational area as measured in acres.

Upon commencement of mining operations, perimeter controls shall be established for the mining area:

The mining area shall be enclosed within a five (5) foot high continuous wall or fence or by a screen planting or hedge fence of similar capability.

The property shall be posted against trespass, with conventional signs placed not more than one hundred (100) feet apart.

Sight barriers shall be provided along all boundaries adjacent to roads which lack natural vegetative or terrain conditions which provide effective screening of mining operations. Sight barriers shall consist of one (1) or more of the following:

Earth berms, which shall be constructed to a height of five (5) feet above the mean

elevation of the center line of the public highway adjacent to mining property, or five (5) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to two (2) feet horizontal, and shall be planted with grass, trees and shrubs.

Screen plantings of coniferous or other suitable species at least five (5) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows which shall be sufficient to provide effective screening.
Masonry walls or solid fences which shall be constructed to a height of five (5) feet.

Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions which are injurious or substantially annoying to persons living in the vicinity. Interior roads serving the mining operation shall be paved, treated, or watered, insofar as is practicable, to minimize dust conditions.

No mining of sand or gravel shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resource Commission Department of Natural Resources.

Reclamation of Mined Areas. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed in accordance with the plan approved by the Township Board, after recommendation of the Planning Commission. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e., a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining, and a third phase area may be being stripped of overburden. Substantial completion of reclamation shall be effected for one phase of the three (3) permitted to be opened at any one time for extraction purposes prior to proceeding with the next approved phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the approved final reclamation plan within one (1) year after all extraction has been completed.

Before commencement of mining operations, the operating company shall submit a generalized reclamation plan to the Township Board, setting forth the intended disposition of all land and water areas, the proposed configuration of the terrain as shown on a topographic map, a plat of any proposed streets or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined

property. This plan, and any subsequent revisions, shall be approved by the Township Board before any zoning permit is issued by the Zoning Administrator.

Rehabilitation and Reclamation. Natural resource extraction areas shall be in accordance with the following standards:

All excavation shall have either a water depth of not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids in accordance with the approved Reclamation Plan in order to insure:

That the excavated area shall not collect and retain stagnant water.

That the surface of such area which is not permanently submerged is as necessary to produce gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.

The finished grade of all slopes resulting from excavations shall not be steeper than one (1) foot vertical to three (3) feet horizontal.

Topsoil of a quality equal to that occurring naturally in the surrounding area shall be replaced on all excavated areas not covered by water, except those areas where roads, beaches, or other planned improvements are planned. Topsoil shall be applied to a depth of at least four (4) inches.

Vegetation shall be restored by the appropriate planting of grass, trees and shrubs, in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.

Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment.

Before commencement of operations, the operating company shall post a performance bond or other financial security as required and determined by the Township Board as it may deem necessary given the nature and size of mining and extent of reclamation expenses necessary. Upon complete rehabilitation of the mined area the bond or security shall be released.

Administration of Mining Districts. The following procedures shall be followed before establishing a mining operation:

The operating company shall file an operational plan, in accordance with the requirements of this Ordinance. This plan may be in the form of a written statement and maps, and shall carry evidence of review and approval, if required, by any County or State agency of competent jurisdiction, in addition to the required approval of the

Township Board. On the basis of this plan, the operating company shall file a statement of net area to be excavated as measured in acres.

The operating company shall file a reclamation and rehabilitation plan, subject to the requirements in Section 15 and shall provide a financial guarantee in accordance with the requirements in Section 15 of this Ordinance.

The Township Planning Commission shall review the Operations and Reclamation plans and make its recommendation to the Township Board.

The Township Board shall review the recommendation and accept or reject the plan. Upon acceptance of the plan, the Township Board will receive the financial guarantee of reclamation in accordance with Section of this Ordinance.

Before commencement of mining operations, a Mining Permit shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established Homer Township "Fee Schedule". This fee shall defray any administrative expense rising out of the mining operation.

Inspections and Conformance. Inspections shall be made of the mining site, not less often than twice in each calendar year by the Zoning Administrator in order to insure conformance with the requirements of the approved Special Use Permits.

Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the operating company by the Zoning Administrator.

Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed by the Zoning Administrator upon submission to him of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Ordinance and subject to the penalties of both the Ordinance and the Special Use Permit approved for the natural resource extraction operation.

Special Requirements. Waiver of excavation limits. The Township Zoning Board of Appeals may approve a reduction of the setback limits required for excavations in Section 15 under the following conditions:

The operating company shall have provided the Zoning Board of Appeals with acceptable proofs that lateral support shall not be endangered.

Adjacent property owner or owners shall have given written consent to the waiver of limits for excavation.

All other requirements of this Ordinance have been met and maintained at the time of applying for and receiving approval of any waiver.

15.17 Shopping Centers and Industrial Parks. Shopping centers and industrial parks for a collective grouping of two (2) or more principal uses permitted in a district shall conform to the following.

The proposed shopping center or industrial park shall be designed and developed with a unified architectural treatment.

The proposed shopping center or industrial park must have one (1) property line on a public road possessing sufficient traffic capacity to accommodate all projected traffic to be generated by the shopping center or industrial part and be provided with adequate ingress and egress.

All points of entrance or exit shall be located no closer than two hundred feet (200') from the intersection of any two (2) streets or highways.

Each use shall provide the required number of parking and loading spaces as required within this ordinance as would be required if such use were standing independently. Parking and loading spaces for any one use shall not be counted toward the requirement of other uses.

15.18 Bulk Storage and Distribution Facilities. Bulk storage and distribution facilities for petroleum and gas products, paints and chemicals shall conform to the following:

No such facility shall abut any property Zoned RA (low density), RB (medium density), RC (high density), RD (multiple family), RR (rural residential) and OSC (office service commercial), NSC (neighborhood service commercial) and CSC (community service commercial).

All facilities shall contain or incorporate permanent features to contain entirely upon the site any spilled or leaking stored materials. Such containment features shall furthers prevent spilled or leaking materials from entering into any building or structure on the site which is open to the public, including all parking areas.

All facilities shall comply with applicable fire, construction and environmental statutes and codes enacted by federal, state or municipal government.

15.19 Greenhouses and nurseries for trees, shrubs and plants. Retail greenhouses and nurseries for trees, shrubs and plants located within any residential zoning district shall conform to the following:

Except as provided within this section or the other provisions of this Article, the premises upon which the greenhouse is located or the activities conducted shall meet the Dimensional Requirements of the NCS Neighborhood Service Commercial District.

All buildings and structures on the premises shall be permanently constructed in accordance with the applicable construction codes. No temporary or seasonal buildings shall be constructed or utilized. Buildings or structures devoted exclusively to growing of trees, shrubs and plants may utilize exterior surface material, which allows permeation of air and or water. Exterior surface material on all buildings or structures shall be maintained, at all times, against, tears and unsightly appearance.

All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all adjoining parcels.

Off-street parking shall be in accordance with Article 19.

The site shall not be used for the processing of bulk fertilizer or other organic or inorganic material for resale or off-site use, including manure, compost or fertilizer. Any storage of such materials for use on the premises shall be done inside a building or in a manner which keeps dust, odor or other objectionable characteristics from reaching neighboring properties.

15.20 Residential Treatment Center shall conform to the following:

Currently licensed by the State of Michigan.

Provide on-site living accommodations for those being treated.

Provide 24/7 on-site supervision by trained staff members.

Provide direct staff supervision to those leaving the treatment facility for any reason.

15.21 Adult Oriented Business/Services. Includes adult arcades, adult bookstores, adult video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, massage establishment offering adult services, nude model studio, any service or activity conducted for any consideration in an adult business by a person who is nude or semi-nude during all or part of the time that the person is providing the service.

Restrictions: An adult business or service applying for a special use permit must:

Not be owned, operated or managed by anyone who is a registered sex offender in any state.

Not be located within 1000 feet of any public, private or parochial primary or secondary school, park, playground, child/teen oriented recreational facility, hospital, nursing home, child day care center, civic building, religious institution or any residentially zoned land. The distance between uses shall be measured horizontally between the nearest property lines.

Not provide service to minors.

Not allow display of any portion of male/female genitalia or display of female breasts with less than a fully opaque covering.

Not display any pictorial exterior signage.

Provide all activity within a fully enclosed structure which does not allow any internal activity to be visible from a public thoroughfare or public/common walkway.

16. OPEN SPACE PRESERVATION AND PLANNED UNIT DEVELOPMENT

16.1 Purpose. The intent of Open Space Preservation and Planned Unit Developments is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Article to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations. Open Space Preservation Developments and Planned Unit Developments are herein established as overlay districts and where selected by the land owner shall apply and control over conflicting provisions in the underlying zoning district. Another option would be to combine the planning of land uses and activities from several districts as one project on the same clustering principle.

16.2 Definitions. For purposes of this Article, an Open Space Preservation Development shall mean a development consisting of residential dwelling units and open space made upon a single parcel of land or specific combined parcels of land whereby a portion of the specified parcel(s) is devoted to permanent location of dwelling units at a density greater than otherwise permitted by this Ordinance and a portion is devoted to open space dedicated to remain in an undeveloped state. Undeveloped state shall mean a nature state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or conditions Undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway or linear park. A Planned Unit Development shall mean a development consisting of multiple uses and structures, permitted within a specified zoning district or specified districts upon a single parcel of land or specific combined parcels of land, where a portion of the parcel(s) is devoted to location of buildings or structures used for permitted purposes at a density greater than otherwise permitted by this Ordinance and a portion is devoted to common areas complementing those uses.

16.3 Principal and Accessory Uses. Open Space Preservation Developments and Planned Unit Developments are permitted for the following uses:

<u>Principal Permitted Uses and Densities:</u>

Open Space Preservation Developments are permitted in the AR, RR, RA, RB and RC Residential Districts on parcels of at least twenty (20) acres and all principal permitted uses within those districts are allowed.

Planned Unit Developments are permitted in the RD Multiple Family Residential Districts on parcels of at least ten (10) acres and all principal permitted uses within those districts are allowed.

Planned Unit Developments are permitted in the OSC and NSC Commercial Districts on parcels of at least five (5) acres and all principal permitted uses within those districts are allowed.

Planned Unit Developments are permitted in the CSC and HSC Commercial Districts and I Industrial Districts on parcels of at least ten (10) acres and all principal permitted uses within those districts are allowed.

The maximum number of dwelling units or principal use buildings or structures permitted within a development shall be computed on the basis of the density constraints contained within the zoning district regulations of this Ordinance for the district within which the development is located.

Accessory Uses.

Accessory buildings and uses customarily incidental to the above-named permitted uses.

Signs as set forth in Article 20, "Sign Regulations" herein.

Recreational Activity Centers as follows:

Nature preserves

Swimming pools

Tennis or racquet club

Utility structure(s) and equipment necessary for the operation thereof (excluding outdoor storage).

16.4 General Provisions. Continuing Applicability of Information on Approved Site Plans - The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved subsequent hereto, shall have the full force and permanence of the Zoning Ordinance as though such information were specifically set forth in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in an Open Space Preservation or Planned Unit Development or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Article. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as an Open Space Preservation or Planned Unit Development shall not thereafter be developed or used except in accordance with the approved site plan and plats approved subsequent thereto.

Construction - No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued

therefore, on a lot width, or under petition for, an Open Space Preservation or Planned Unit Development, until the requirements of this Article have been met.

Financial Guarantees - Will be required for all public and common improvements in developments and of all phased developments on a per phase basis. Cost levels to be used in setting financial guarantee amounts shall be based upon the findings regarding estimated cost as reported by a licensed engineer or public agency, and may be further confirmed by an engineer retained by the Township.

16.5 Site Plan Requirements. A site plan shall be submitted for approval of all Open Space Preservation, Planned Unit Developments or phases thereof. Site plans shall be submitted, reviewed and approved in accordance with, and shall meet all provisions of Article 21, "Site Plan Review". In addition, the following shall apply.

The Planning Commission shall require the applicant to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a development request for recommendation to the Township Board with respect to this requirement.

Site plans for Planned Unit Developments shall include an impact assessment prepared by the applicant. This document shall be prepared in narrative form, with such accompanying charts, graphs, maps and/or tables as may prove necessary. Topics to be addressed shall include community impacts (i.e., additional traffic likely to be generated per twenty-four (24) hour period, directional distribution of trips generated by the proposed development, additional police and fire service needs to be anticipated) and environmental impacts (i.e., soils to be found on the site, site topography, natural features of note that are located on the site and how each would be impacted by the proposed development).

All development site plans shall contain plans and specifications for all sanitary sewer, storm drainage, water, and roadways within the project. Said plans and specifications shall be prepared by a professional engineer in accord with the standards of the Department of Public Health of the State of Michigan, the Midland County Road Commission, and Michigan Department of Transportation, if applicable. as they pertain to public utilities and roadways.

Development Standards and Regulations. The following requirements expand upon and/or are in addition to the requirements detailed in Article 21 "Site Plan Review". They shall, in all cases, be adhered to within all Open Space Preservation and Planned Unit Development and by all owners, successors and assigns thereof.

Access and External - Internal Circulation

All Open Space Preservation and Planned Unit Developments shall be restricted to sites having immediate and direct access to an adjoining publicly dedicated and accepted hard surfaced roadway.

Access points to a development shall be located no less than five hundred forty (540) feet apart when measured parallel to the adjoining roadway, and in no case shall any such point of ingress or egress be closer than two hundred seventy (270) feet from either side lot line of the parcel.

Each lot or principal building shall have internal vehicular access from a public road or private road.

As property is developed within an Open Space Preservation or Planned Unit Development, a pathway system linking all principal residential, commercial and industrial units both with on-site amenities (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels must be provided. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e.g., bicycling, walking). The pathway shall be no less than four (4) feet in width and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to non-motorized vehicular use.

All private or public roads within a development shall be located upon rights of way of at least 66 feet in width and, whether or not publicly dedicated or accepted, shall be constructed and maintained to the then existing specifications for acceptance by the Midland County Road Commission. All development applications and accompanying site plans shall be accompanied with the certification of a licensed engineer that the design and construction of all proposed roads meets or exceeds those specifications.

16.6 Density and Open Space Regulations In an Open Space Preservation Development there may be developed on specified portions of the parcel(s) included within the development, not to exceed 50% of the total area of the development parcel(s), the same number of dwelling units available under this Ordinance to the entire parcel(s) area in the AR, RR, RA, RB and RC Residential Districts wherein the development is located. Provided, however, that not less than 50% of the area of the entire development parcel(s) shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed within this Article 16.

In a Planned Unit Development, there may be developed on specified portions of the parcel(s) included within the development, not to exceed 75% of the total area of the development parcel(s), the same number of lots, units or building sites available under this Ordinance to the entire parcel(s) area in which the development is located. Provided, however, that not less than 25% of the area of the entire development parcel(s) shall perpetually remain open space by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed within this Article 16. Land, water or land/water area constituting not less than twenty-five (25) percent of the total (a) land area, or (b) land area, plus no more than three

hundred (300) feet into but no more than one-half (1/2) the width or distance across, a natural water surface area of the waterfront parcel shall be designed as permanent open space.

In an Open Space Preservation or Planned Unit Development the portion designated as undeveloped or open must be set aside by the developer in the form of an irrevocable conveyance whereby the area must remain undeveloped or open according to the approved site plan and any future changes in use must be agreed to by the Township Board. This area must be reserved for the use and enjoyment of the residents, occupants and users of the development and such area shall be considered as an integral component of the over-all development. The developer shall provide for perpetual and mandatory maintenance of the undeveloped or open area through the use of deed restrictions or agreements recorded with the Midland County Register of Deeds which shall provide for participation in said maintenance cost by each owner and resident, residential, commercial or industrial) within the development.

In a Planned Unit Development, buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other building and improvements shall be prohibited therein.

In a development, the portion designated as undeveloped or open shall be conveniently located in relation to dwelling units, lots, units or building sites included in the development.

In a development, the portion designated as undeveloped or open shall have minimum dimensions which are usable for the functions intended and which will be maintainable.

The Township Board may require upon recommendation of the Planning Commission, that unique natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and marshes be preserved as part of the undeveloped or open areas.

16.7 Landscaping and Parking

The parking and loading requirements set forth in Article 19, "Off-Street Parking" herein, shall apply except that the number of spaces required may be reduced if approved by the Township Board, upon recommendation of the Planning Commission, (pursuant to the requirements detailed in Article 19) as part of the site plan. Such reduction shall be based upon specific findings.

A landscaped strip no less than twenty (20) feet in width shall be required when a freestanding physical structure containing a commercial and/or office use is located adjacent to a residential use. The strip shall be located between the two uses and shall be landscaped with trees and ground cover.

16.8 Utilities

Each dwelling unit or principle building within a development shall be connected to public or common water and sanitary sewer lines or to on-site facilities approved by the Midland County Health Department and State Department of Environmental Quality. Notwithstanding the increase in dwelling unit, lot, unit or building site density available within a development, in no event shall dwelling unit, lot, or building site size be less than necessary for proper and sanitary water quality and sanitary or waste discharge. All development applications and accompanying site plans shall be accompanied with the certification of a licensed engineer that the design and construction of all proposed systems of water supply and sanitary or waste discharge shall meet or exceed the minimum requirements of the Midland County Health Department and, where applicable, the Department of Environmental Quality.

All developments will be required to provide adequate fire protection systems as determined and approved by the Township Fire Department and Township Board. In all cases where an on-site system is proposed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate county or state agencies must be presented to the Planning Commission before action can or will be taken on any development request.

Maintenance of any and all approved common on-site systems shall be ensured by use of deed restrictions that shall provide for participation in maintenance costs by each owner of the development served by such a system.

Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted. All storm drainage facilities shall be approved by the County Drain Commissioner and State Department of Environmental Quality.

Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.

A standard pattern of streetlights shall be required of all developments. Maintenance shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

16.9 Site Design, Layout and Density Calculation

Except as provided for herein, all density requirements for an Open Space Preservation or Planned Unit Development shall be computed on a total gross area of the parcel(s) in the development.

No more than twenty-five (25) percent of a surface water area, natural, man-made, existing or proposed, completely located within the development shall be included in the density computations.

Existing natural water areas not completely located within the development (i.e., streams, ponds, lakes and/or similar water bodies) may be included in density calculations up to three hundred (300) feet of their surface width as measured from the shoreline, or where such water areas are proposed for construction by the applicant, fifty (50) percent of the total water area to be constructed may be included in density calculations, but in no case shall the included water surface area exceed twenty (20) percent of the total land area of the development or any single or combination of phases of the development.

Notwithstanding the increase in dwelling unit, lot, unit or building site density available within a development, all otherwise applicable provisions for minimum building floor area, yard and setback requirements, height limitations and other building, structure or use regulations of this Ordinance shall be applicable to all developments.

The outdoor storage of goods and materials shall be prohibited in a Planned Unit Development, except at provided in Section 18.

Legal Mechanisms to Ensure Facility, Undeveloped and Open Space Maintenance.

All lands within a proposed Open Space Preservation or Planned Unit Development shall be under the control of a single applicant, with that applicant being an individual, partnership, corporation, or group of individuals, partnerships or corporations. All buildings, structures, landscaping and other improvements in a development shall be under the unified control of the same applicant.

Where a Home Owners Association (HOA) or an Association of Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain undeveloped, open or common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:

The HOA, ACE, or AIE shall be established before any building or structure in the development are sold or occupied.

Membership in the HOA, ACE, or AIE shall be mandatory for each lot, unit, parcel or building within the development and shall be so specified in the covenants.

Restrictions shall be permanent.

The HOA, ACE, or AIE shall be made responsible for liability.

Each dwelling unit, lot, unit, parcel or building within the development shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE shall become a lien on the individual properties.

The master deed and bylaws of any development shall contain the irrevocable consent of all owners and the governing HOA, ACE or AIE to the Township's creation of a special assessment district in the event the water supply, sanitary sewer, storm drain or roadways within the development shall fail to meet Midland County Health Department, Department of Environmental Quality, Drain Commission or County Road Commission standards. The master deed and bylaws shall further state such consent is self-effectuating and shall be deemed the owners' signature upon petitions or applications for such special assessment district. The ownership, in any form, of property within any development, or the operation of any HOA, ACE or AIE shall itself constitute such irrevocable consent. Nothing contained herein, however, shall obligate the Township or its Board to the creation of a special assessment district for the development, it remaining the sole obligation of the development itself to maintain all portions of it. The creation of a special assessment district shall be only optional, not mandatory, by the Township or its Board.

16.10 Project Phasing:

If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase shall be submitted to the Planning Commission when the site plan is submitted.

A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

16.11 Standards For Review. The Planning Commission shall determine and shall provide evidence in its report to the Township Board to the effect that the application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

The proposed development shall be adequately served by public facilities and services such as: highways, streets, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies

responsible for the proposed development shall be able to properly provide such facilities and services.

Undeveloped, open, other common areas and facilities, individual properties, and all other elements of a development are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.

The applicant shall have made provision to ensure that undeveloped, open and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan and that proper maintenance of such improvements is ensured.

Traffic to, from, and within the development will not be hazardous or inconvenient to the development or to the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed development to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area.

The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.

The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects that are connected with the proposed use, will not adversely affect adjacent and surrounding area lands and uses.

The proposed development shall create a minimum disturbance to natural features and landforms.

Roads shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each road. The property shall have immediate direct access to an adjacent public road. The plans shall provide for logical extensions of public roads and shall provide suitable road connections to adjacent parcels, where applicable.

Pedestrian circulation shall be provided within the site and shall interconnect all use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the development where applicable.

Amendments to Site Plans. Preliminary and final site plan may be amended in accordance with the process detailed in Article 21 of this Ordinance.

Subdivision and Other Legal Requirements. All Open Space Preservation or Planned Unit Developments shall comply with all provisions of Public Act 288 of 1967, the Land Division Act, or public Act 59 of 1978, as amended, the Condominium Act. Approval of a development by the Township Board under this Article shall not be deemed its approval as may be required under any other law.

Use of Area Only Once. No parcel of land included within an Open Space Preservation or Planned Unit Development shall be utilized, included or its area calculated within any other such development.

Performance Guarantees. Performance guarantees shall be provided in accordance with Article 21.

17. NONCONFORMING LAND, BUILDING AND STRUCTURAL USES

17.1 Purpose. The lawful use of any building or structure and of any land or premise existing prior to the effective date of this Ordinance, although the use does not conform to the provisions of this Ordinance, may be continued provided, however, that the continued use does not constitute a public nuisance, or endanger the public health, safety or welfare.

17.2 Continuance of Nonconforming Uses .

Structural Changes: The building that is nonconforming shall not be structurally changed, or enlarged unless the resultant changes conform to the provisions of this Ordinance for the district in which it is located except as provided below.

Reconstruction: Any lawful nonconforming building may be repaired, reinforced, or reconstructed to correct damage by fire, collapse, explosion, casualty loss or act of God, provided that such reconstruction shall result in a structure no larger and no more nonconforming than the nonconforming building was immediately preceding such damage; that the cost of the reconstruction/replacement does not exceed 50% of the building's value prior to the damage and provided further that such restoration shall be commenced within six (6) months, completed within twelve (12) months and use resumed within eighteen (18) months of such damage.

Repair, alterations and Improvements: Nothing in this Ordinance shall prohibit the repair, reinforcement, improvement or rehabilitation of a nonconforming building, structure or part thereof rendered necessary by wear and tear, deterioration and depreciation, provided, however that such repair reinforcement, improvement or rehabilitation shall result in a structure no larger and no more nonconforming than the nonconforming building was immediately preceding the repair or improvement and that the work done is only to make the building safer or more sanitary.

Prior Construction Approval: Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within ninety (90) days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

Nonconforming single family dwellings: Notwithstanding the foregoing limitations on structural changes to nonconforming uses, a single family dwelling that is nonconforming owing to its location in a zoning district in which single family dwellings are not a permitted principal use may be expanded, increased or enlarged upon an additional foundation which does not exceed fifty (50%) percent of the square footage of its foundation at grade level as existed on July 1, 2003.

17.3 Discontinuance or Abandonment. Whenever a nonconforming use has been discontinued for one (I) year, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance.

17.4 Reversion to a Nonconforming Use. If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use.

17.5 Displacement of a Conforming Use. No nonconforming use shall be extended to displace a conforming use.

17.6 Change to Another Lesser Nonconforming Use. The Township Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which it would be replacing.

17.7 Changes in Zoning District. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

17.8 Elimination of Nonconforming Uses. It is the intent of this Ordinance to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses or structures that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance.

17.9 Nonconforming Lots and Parcels. Notwithstanding limitations imposed by other provisions of this Ordinance, any permitted use in a District may be erected on a single unimproved lot of record at the effective date of adoption or amendment to this Ordinance, provided the lot meets no less than. 80 percent of the current dimensional requirements for the district in which it is located.

18. SUPPLEMENTAL REGULATIONS

18.1 Purpose. The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located.

18.2 Area Limitations. In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.

18.3 Dwelling Lots/Site Requirements. Every dwelling, cottage, cabin, manufactured or mobile home, erected outside of a mobile home or trailer coach park shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance. Each dwelling shall comply with the following:

It contains a minimum floor area of six hundred forty (640) square feet. If of a two, (2) story design, it shall contain a minimum first story floor area of six hundred (600) square feet.

It has a minimum width along any exterior side elevation of a nominal fourteen (14) feet.

It has a core living floor area based on a nominal outside dimension of fourteen (14) feet by twenty (20) feet (14' x 20').

It is supported and attached to piers or a continuous foundation meeting theTownship Building Code.

It does not have exposed wheels, towing mechanisms, undercarriage or chassis.

The dwelling is connected to a public sewer, septic systems and water supply or to such private facilities approved by all applicable health departments.

The dwelling complies with all applicable building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, and as from time to time such standards may be amended.

The foregoing standards shall not apply to a mobile home located in a properly zoned and licensed mobile home park.

18.4 Accessory Building Provisions. Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.

Accessory buildings shall not be erected in any required front yard.

No detached accessory building shall be located closer than ten (10) feet to any main building nor shall any accessory building be located closer than fifteen (15) feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.

The size of detached accessory buildings in all residential districts is limited to a maximum of 3 percent of the square footage of the lot. The height of all accessory buildings is identified in each zoned district

Except as provided in this sub-section, no accessory building shall be constructed or maintained upon a lot or parcel of land which does not have an established permitted principal building or use. Within the AR, RR, RA, RB and RC zoning districts, a single storage building, not exceeding the accessory building size and height limitations of the applicable district or this section may be constructed and maintained on a lot or parcel of land which lacks other principal building or principal use on the parcel. Such storage building shall be set back the applicable accessory building minimum distances from the side and rear lot lines, as set forth in this section. No such storage building shall be erected in any required front yard. Use of the storage building shall be limited to only such noncommercial use as would otherwise be accessory use to a permitted principal building or use in the applicable district, e.g., storage of seasonal lawn maintenance equipment, sporting goods, personal boats, personal vehicles and equipment and materials used in construction of the principal building on the parcel. No such storage building may be used for dwelling, residential or lodging purposes of for home occupation.

18.5 Accessory Building as Dwelling. No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

18.6 Basement as Dwelling. No basement structure shall be used for human occupancy exceeding three (3) years unless a completed story is situated above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the Construction Code in effect in the Township.

18.7 Single Family Earth, Berm or Covered Homes. Single family earth homes are permitted in the AR, RR, RA and RB districts, as long as they meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

18.8 Berm. No berm shall exceed eight (8) feet in height. It shall be positioned so as to not block the view from any intersection. It shall be landscaped so as to prevent earthen runoff onto any roadway, sidewalk or adjourning property.

18.9 Dangerous/Unsafe/Abandoned Buildings. Any structure that is or can become unsafe, dangerous, unsanitary or deficient because of inadequate lights, heat or ventilation, is abandoned, constitutes a fire or a health hazard or is otherwise dangerous to human life and/or public welfare, or has inadequate maintenance shall be entirely removed, remediated or repaired. Any vacant structure not secured against entry is deemed unsafe as is a structure damaged by fire, wind, flood, or one that may be dislodged, detached or likely to collapse due to damage, faulty or incomplete construction, or removal or movement of some portion of the ground or foundation necessary for support.

18.10 Required Water Supply and Wastewater Disposal Facilities. No building or structure shall be erected, altered or moved on to any lot and used in whole or in part for dwellings, business, commercial or recreational purposes unless it contains facilities for the disposal of human excreta and water-carried wastes, and such facilities shall be connected with and the wastes there from discharged into a sewerage disposal system the operation of which creates neither a nuisance nor unreasonably pollutes ground water or a stream, or other body water, nor contaminates a water supply or bathing place. Said sewerage disposal system shall consist of a municipal sewerage system or a septic-tank system, provided, however, that a chemical toilet may be used as a means of excreta disposal for recreational areas, cemeteries, municipal parks, municipal buildings and other seasonal temporary or municipal parks, municipal buildings and other seasonal temporary or periodic uses when approved by permit by the Township Zoning Administrator. The use of any alternate sewerage disposal systems is disallowed. **Lagoon** systems shall not be used for wastewater disposal systems or as a means of disposing sewage and wastewater. All well water sites and permitted sewerage disposal systems shall be approved by the Midland County Health Department and shall meet the continuing requirements established by the Department of Health.

18.11 Access and Frontage on Public Roads and Road Maintenance Agreements. No lot or parcel shall be occupied or used for commercial, industrial, institutional or residential uses which does not have frontage upon a public road maintained and accepted by the Midland County Road Commission or Michigan Department of Transportation or private road. All private roads shall comply with the Homer Township Private Road Ordinance.

18.12 Visibility at Intersections. No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.

18.13 Fences, Walls and Screens. Except as provided in Section 18 or for the Industrial District, herein, within the limits of a side or front yard space of a lot; no fence, wall (other than necessary retaining wall), or other screening structure shall be higher than six (6) feet. No fence or wall located within a rear yard shall exceed eight (8) feet in height. No fence or screening, in the "I" Industrial District shall exceed twelve (12) feet in height.

18.14 Height Regulations. The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, powerlines, commercial and non-commercial broadcast, electronic and communication system towers and antennae constructed and maintained in accordance with Section 18, wind-driven electricity generators, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, other public authorities having jurisdiction and any regulations established by authorized state, county and township ordinances.

18.15 Pools and ponds, except farm ponds. No pool or pond 36" or more in depth except for ponds used in connection with farming activities, shall be created , excavated or enlarged without a Zoning Permit first obtained from the Zoning Administrator. All residential (non-public) swimming pools, as defined in this ordinance, must also comply with Michigan Building Code Residential Swimming Pool requirements contained in Michigan Building Code adopted by Homer Township. A Michigan Department of Environmental Quality permit may also be required The following must also be met:

If required by the Zoning Administrator, the applicant, at the expense of the applicant, shall submit professionally engineered specifications demonstrating compliance with this Section and other provisions of applicable law

There shall be a distance of not less than twenty (20) feet between the adjoining property line and outside of the pool wall or pond edge.

There shall be a distance of not less than five (5) feet between the outside pool wall or pond edge and any building located on the same lot.

No pool or pond shall be located less than fifty (50) feet from any front lot line.

No pool or pond shall be created, excavated or enlarged which interferes with the flow or drainage of surface waters on adjacent parcels or other parcels served by an established water course or cause flooding of adjacent parcels. Excavation spoils or other berms surrounding an excavation hall be deemed part of the pond.

If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a pool or pond.

No pool or pond shall be located in an easement if it could interfere with use of the easement.

18.16 Home Occupations. Home occupations are occupations/professions that are clearly a customary, incidental and secondary use of a principal residential dwelling. Accessory buildings may be used for home occupations but must comply with all zoning ordinance requirements.

The home occupation shall involve no employees other than members of the family residing within the dwelling.

All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.

No alterations, additions, or changes to a principal or accessory building structure which change the residential character of the dwelling or accessory structure shall be permitted in order to accommodate or facilitate a home occupation.

There shall be no external evidence of such occupations, except a small announcement sign as provided in Chapter 20 of this Ordinance

18.17 Temporary Buildings and Structures. Temporary buildings and structures, including informational, for sale and similar signs, are permitted during the period of construction, and sales involving change of ownership or rental occupancy. Such buildings, structures and signs shall be removed upon completion or abandonment of construction, sale or rental activities and prior to occupancy and use of the building or structure for permitted uses. Prior to the issuance of a permit for temporary buildings and structures the applicant must deposit with the Township a performance bond or like security in an amount determined by the Township Board as adequate to ensure removal of the temporary buildings, structures and signs.

18.18 Occupancy of Temporary Mobile Homes Located Outside of a Mobile Home Park By Permit, Storage and Repair of Unoccupied Mobile Homes Prohibited. From and after the effective date of this Ordinance, it shall be unlawful for any person to move a mobile home, travel trailer, motor home or recreation vehicle on to any lot, parcel or tract of land in the Township for any purpose, except as provided and permitted hereinafter in this section, or as specifically permitted elsewhere in this Ordinance.

Mobile homes, travel trailers, motor homes, and recreation vehicles shall be permitted when located on a farm having forty (40) acres or more for the occupancy of farm workers. The farm owner or lessee shall first make written application to the Zoning Administrator, who shall issue the permit for one (1) or more mobile home, travel trailer, motor home or recreation vehicle units if they meet the following conditions:

The location of each unit is not to be less than one hundred (100) feet from any public highway and/or boundary of adjoining property.

An adequate pure water supply and sanitary facility is conveniently nearby and available to meet all public health and safety requirements of the occupants of each mobile home, travel trailer, motor home or recreation vehicles.

Mobile homes, travel trailers, motor homes or recreation vehicles shall be permitted for construction contractor purposes when located on a construction site approved by the Township Board. The applicant must furnish all pertinent data, including description of land to be used, number of mobile home, travel trailer, motor home or recreation vehicle units involved, and the expected length of construction time. The Zoning Administrator must verify that (a) the location of units will be not less than one hundred (100) feet from any public highway and/or boundary of adjoining property, and (b) adequate fresh water supply and sanitary facilities are available on site. A "Temporary Permit" shall be issued covering the period of the specific construction job, not to exceed one (1) year; subject to an extension approved by the Township Board for good cause which shall not exceed one (1) year.

18.19 Parking and Occupancy of Travel Trailers and Recreational Vehicles. Travel trailers, motor homes and recreational vehicles may be temporarily occupied up to 30 days by individuals who are not members of the dwelling household. If the occupancy exceeds 30 days, a temporary zoning permit must be obtained from the township. The dwelling owner or lessee shall not charge the occupant any fee. Application for the Temporary Permit shall be made within seven (7) days of occupancy. The dwelling owner or lessee shall present a written agreement to furnish the occupants of the travel trailer, motor home or recreational vehicle with sanitary facilities satisfactory to the Zoning Administrator. A Temporary Permit may only be issued to one (1) travel trailer, motor home or recreational vehicle at any time in any one location and shall be effective for a maximum period of thirty (30) days. Extensions beyond this thirty-day (30) period shall only be issued by the Zoning Administrator who shall not grant same unless it finds adequate evidence that continued occupation of travel trailer, motor home or recreational vehicle is not detrimental to property in the immediate vicinity and that the water and sanitary facilities are adequate. No extensions of the Temporary Permit may be granted which provide for a total permitted time to exceed one hundred twenty (120) days, (including the initial thirty-day (30) period).

If a mobile home is to be used temporarily as an accessory dwelling by a family member during a period of illness or infirmity a zoning permit must be secured from the township prior to or within the first month of such occupancy. If the occupancy will exceed one year a new permit must be obtained for the subsequent year or portion thereof.

Subject to other provisions in this ordinance, storage and parking of travel trailers, motor homes, recreational vehicles and watercraft shall be permitted only in a side or rear yard of a dwelling.

No lot, parcel or tract of land in the Township, except those zoned under this Ordinance for new and used mobile home sales and service shall be used for the repair, maintenance, reconstruction, storage or sale of unoccupied new, used or salvaged mobile homes or component parts thereof.

18.20 <u>Temporary Transient Amusement Enterprises</u>. The following provisions shall apply in addition to all applicable regulations in the district in which they are to be located:

Temporary Transient Amusement uses are not permitted in any RR, RA, RB, RC or RD residential district.

All fenced-in areas shall be set back at least one hundred (100) feet from any front road or property line.

Side and rear yards shall be at least one hundred (100) feet in depth from all adjacent lots or parcels.

All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways.

18.21 Solid Waste Receptacle Areas. Truck-lifted or transported receptacle areas: all such receptacle areas shall be enclosed by a six (6) foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas.

18.22 Exterior Lighting. All sources of lighting for parking areas or for the external illumination of commercial buildings or grounds or for the illumination of signs, shall be directed away from and shall be shielded from adjacent residential districts, and shall also be so arranged as to not affect driver visibility adversely on adjacent public roads and highways.

18.23 Driveway Entrances and Gates. Driveway entrances or gateway structures; including, but not limited to, walls, columns and gates marking driveway entrances to private or public uses may be permitted; and may be located in a required yard, except as provided in Section 18 "Visibility at Intersections."

18.24 Vehicle Parking Requires Clear Vision. No vehicle, trailer, boat or other conveyance shall be parked or stored upon any parcel in such a manner as to hinder or obstruct the clear vision of motorists or pedestrians on the public thoroughfare or entering or exiting the parcel.

18.25 Walls and Protective Screening. In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

Where a OSC, NSC, CSC, HSC and I District abuts directly upon an RA, RB, RC and RD residentially zoned district, or residentially used property in any district, a landscaped greenbelt as defined within, shall be provided and maintained along its entire length by the users of the said business, commercial, or industrial zoned property. In addition, the latter mentioned districts shall be screened from such contiguous, residentially zoned district by either a building which houses a permitted use, or else by a solid wall or solid wood fence four (4) to six (6) feet in height above grade, between said greenbelt area and the business, commercial or industrial use. Such greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, pines or firs from five (5) to

(6) feet in height, so as to create a permanent buffer; or a hedge of evergreens not less than four (4) feet in height, so as to create a permanent buffer. These plants shall be planted and shall reach such required height within five (5) years of approval of the site plan or development by the Township. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition, and kept neat and orderly in appearance. Such walls for shielding off-street parking or storage areas shall not be required when such areas are located more than two hundred (200) feet from such abutting residential use or district.

Required walls shall be located on the property line, except as otherwise approved by the Planning Commission. When vehicles or open air displays generally exceed a five (5) foot height said wall shall be increased to a height not exceeding ten (10) feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is first approved by the Planning Commission.

Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small dispersed openings which do not collectively exceed twenty (20) percent of the wall surface in area. The arrangements of such openings shall be subject to approval by the Planning Commission.

18.26 Inoperable/Abandoned/ Dismantled Motor Vehicles. Upon any parcel of land or on any roadway in any zoning district there shall not be kept, maintained, or stored more than one (1) motor vehicle, motorcycle or conveyance which is not currently licensed, operable with all its main component parts attached and regularly operated for its designed purpose, unless such motor vehicle, motorcycle or conveyance is parked or stored within a fully enclosed building. This provision shall not apply to properly zoned commercial junk/salvage yards operating within the guidelines of the Township Junkyard/Salvage Yard Ordinance.

18.27 Building Grades. Any changes to the surface of the ground area shall be so designed that surface waters shall flow in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

18.28 Moving Buildings. Buildings may not be relocated unless a permit approving the move is first obtained from the Zoning Administrator.

18.29 Television Satellite Receiving Discs. All television satellite receiving discs are designated accessory uses to the principal uses permitted on each lot or parcel in each respective Zoning District, and are governed by the same requirements as any other accessory use permitted in each Zoning District. Satellite discs shall not be located in such a way that they may obstruct a motor vehicle driver's view in any direction.

18.30 Communication Towers. The erection, construction and maintenance of all communication towers shall be in accordance with the following procedures and standards.

Prior to the commencement of construction, all Communication Towers shall receive Site Plan Approval in accordance with Article 21 of this Ordinance. In addition to the general

standards and considerations set forth in Article 21 of this Ordinance, each Communication Tower and the application for its site plan approval shall comply with the following specific standards.

Engineering plans and specifications for all communication towers and appurtenant structures must be certified by a professional structural engineer licensed by the State of Michigan and placed on file with the Township Building Official. The applicant shall incur all costs associated with the engineering and certification thereof.

Upon completion of communication tower construction and prior to its use, the applicant shall provide to the Township Building Official certification by a professional structural engineer licensed by the State of Michigan that the tower, accessory antenna structures, base and antenna mount have been constructed in accordance with the approved plans and that installation is in compliance with all applicable codes.

All communication towers shall be located on parcels of at least one (1) acre in area.

All communication towers or similar antenna structures shall be located a distance from the nearest property line at least equal to the height of the tower or similar support structure and its associated antenna(s).

The base of the tower and wire cable supports shall be fenced with a minimum six (6') foot high fence and all towers shall be equipped with an anti-climbing device to prevent unauthorized access. To the extent possible; all towers erected after adoption of this ordinance should be monopole structure requiring no wire supports.

All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.

Accessory structures are limited to uses associated with the operation of the communication tower and may not be located any closer to any property line than thirty (30') feet and shall not exceed six hundred (600) square feet of gross building area.

Communication towers in excess of one hundred (100') feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or 1/2 mile radius of a helipad. In no event shall a communication tower exceed 140 feet in height above grade level.

Metal towers shall be constructed of, or treated with, corrosive-resistant material and maintained.

Antennas and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.

Towers with antennas shall be designed to withstand a uniform wind loading as prescribed in the Homer Township Construction Codes.

All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.

Towers shall be located so that they do not interfere with reception in nearby residential areas.

Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant. All parking and drive areas must be maintained.

Minimum spacing between tower locations shall be one (1) mile in order to prevent concentration of towers in one area.

Towers shall not be artificially lighted unless required by the Federal Aviation Administration.

Vegetation existing on the site at the commencement of construction shall be preserved to the maximum extent practicable.

There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

One or more antennae may be placed on an existing tower without submitting a site plan if the antennae do not extend the current height of the tower, the tower is able to support the added weight, no new ground building is associated with the antennae, a copy of the co-location agreement (minus the financial data) is submitted, any applicable permits have been secured and all applicable fees have been paid.

If one or more antennae is to be placed on the existing tower and the current height of the tower will be extended or a new ground building is required a new site plan as well as building and electrical permits and fees are required as well as a copy of the co-location agreement (minus financial data).

The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna and maintained.

Structures shall be subject to any State and Federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive State or Federal Standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

There shall be no employees located on the site on a permanent basis to service or maintain the tower, antenna or equipment. Occasional or temporary repair and service activities are excluded from this restriction.

Where the property adjoins any residential land use or residential zoning classification, the developer shall install and maintain screening on all lot lines adjoining the residential land use or residential zoning classification. Such screening shall be comprised of two (2) alternating rows of evergreen trees with a minimum height of five (5') feet on twenty (20') foot centers. In no case shall the evergreens be any closer than ten (10') feet to any structure.

Abandonment shall be presumed after six (6) months of non-use of the communication tower. The tower shall be removed by the property owner or lessee within six (6) months of being abandoned. If property owner/lessee fail to remove the abandoned tower, the township will have it removed at the owner/lessee expense.

18.31 Household Pets. Small domesticated household pets are allowed providing they are in compliance with all other County, State and Federal laws. Exotic animals as defined by local, state and federal laws are not permitted.

Pot-bellied pigs are allowed as household pets in AR zoned districts only.

Household pets shall be properly immunized and licensed.

Household pets should be leashed or under the owners control when taken off of the owner's property. Household pets when outdoors should be in a secured area.

Owners of household pets must collect and properly dispose of pet waste when pets are taken off the owner's property. Pet waste on the pet owner's property must be collected and disposed of so as not to create a public nuisance.

18.32 (Large) Domestic Animals. Large domestic animals which are used essentially for pets, contests, riding, educational or other special purposes as individual animal specimens are permitted in AR, RR, RA and RB Zoning Districts. Housing and care for those animals located on designated farm/agricultural parcels must comply with all applicable township ordinances as well as applicable regulations in the Right to Farm Act and/or Generally Accepted Agricultural Management Practice requirements and the Michigan Bodies of Dead Animals Act of 1982 as amended.

These animals not housed on designated farm/agricultural parcels must have a minimum of two (2) acres for the first animal and one (1) acre for each added animal. Housing and animal manure sites/containers must be located at least one hundred (100) feet from the adjoining property lines.

18.33 Solar Collection Devices—Attached. Attached solar collection devices are allowed in all zoned districts and must comply with the following:

Responsibilities/Permits: Attached solar collection devices must be installed in compliance with the electrical codes adopted by the township and the manufacturer's specifications. A copy of the manufacturer's installation instructions must be submitted. Building/roofing and electrical permits are required. If the applicant's intent is to install a customer-owner system that will be interconnected to the power grid, written evidence that the area's

electrical utility provider has been notified will be required. Off-grid systems are exempt from this requirement.

Solar panels attached to the sloped roof of a building shall not project vertically above the peak of the roof. Solar panels attached to a flat roof shall not project vertically more than 8 feet above the roof. Solar panels attached to the side of a structure shall not project vertically above the height of building for that zoning district.

Reflection/Glare The solar collection devices must be installed so the solar reflection/glare does not interfere with surrounding structures and roadways. This may be accomplished by both the placement and angle of placement of the collection devices as well as manmade or environmental barriers. Glare intensity is considered an issue if it measures more than 20% of the incident sun intensity. Such plans may be required in the initial materials submitted.

Electromagnetic Interference: Collection sites/devices shall be installed so as not to cause electromagnetic interference and must comply with all applicable Federal Communication Commission (FCC) guidelines. In the event that such interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected. The applicant shall be responsible for compensation to persons or property damaged by stray voltage.

Inspection: The township shall have the right, upon issuing the required permits, to inspect the premises on which the solar collection devices are located at all reasonable hours .

18.34 Solar Collection Devices-Small Freestanding

Responsibilities. If the applicant is not the property owner the applicant must present legal authority to represent the property and bind the property owner who will construct, own, and/or operate the solar collection device. The duties, obligations and liabilities associated with the freestanding solar collection device site plan shall lie with the applicant and property owner jointly and severally. Evidence of insurance to cover potential claims must be presented on application. If the applicant's intent is to install a customer-owned system that will be interconnected to the power grid, written evidence that the area's electrical utility provider has been notified will be required (interconnection and parallel operating agreement). Off-grid systems are exempt from this requirement.

Permits: A site plan must be secured for each site requested and should contain the following specific information in addition to all general information required: exact placement of the collection devices on the property; height, length, and angle of collection devices, lot size, zoned district setback requirements, detailed description of all land/timber clearing that is proposed; site access roads for development and service; provisions for mitigating reflection/glare, site security. The height of the solar collection device must not

exceed the height allowed for accessory buildings in the zoned district where the collection devices are located.

Code Compliance: All devices must be designed and installed in compliance with the manufacturer's installation instructions and comply with all township building, electrical and any other applicable codes. A copy of the manufacturer's instructions and design prints may be required by the township.

Reflection/Glare. The collection devices must be installed so the solar reflection/glare does not interfere with surrounding structures and roadways. This may be accomplished by both the placement and angle of placement as well as substantial manmade or environmental barriers. If trees are used as barriers they must be of such initial height as to provide a shield from the reflection/glare. Glare intensity is considered an issue if it measures more than 20% of the incident sun intensity.

Electromagnetic Interference: Collection sites/devices shall be installed so as not to cause electromagnetic interference and must comply with all applicable Federal Communications Commission (FCC) guidelines. In the event that such interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected. The applicant shall be responsible for compensation to person or property damaged by stray voltage.

Inspection. The township shall have the right upon issuing the required permits to inspect the premises on which the solar collection device is located at all reasonable times. The Township, within its reasonable discretion, may retain the services of a recognized professional in the area of solar conversion systems to assist and/or advise it in the review of the application or site if deemed necessary. The expense thereof shall be responsibility of the applicant/ permit holder. The Planning Commission or Township Board may request the applicant to post a deposit or secure bond for such a contingency.

Abandonment. Any free standing solar collection site or device which is not used for six (6) months shall he deemed to be abandoned and the applicant/permit holder will be so notified in writing by the township and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the township and request a three month extension. If a site has been deemed abandoned and no request for an extension is received the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If this is not done by the applicant. permit holder the township will have the removal and restoration done at the owner/applicant's expense.

18.35 Wind Energy Systems-On-Site Use shall conform to the following:

REQUIREMENTS APPLICABLE FOR ALL ZONED DISTRICTS

Responsibilities: If the applicant is not the property owner the applicant must present legal authority to represent the property and bind the property owner who will construct, own and/or operate the on-site use wind energy conversion system. The duties, obligations and liabilities associated with the on-site wind energy conversion system shall lie with the applicant and property owner, jointly and severally.

Permits/Fees: A site plan and the associated fees will be required for each site requested. Building and electrical permits will be required. Manufacturer's plans and specifications for foundations, tower design, roof mounting devices, etc, must be provided before any permits can be issued. All applicable fees must be submitted prior to any reviews.

Insurance: Proof of public liability insurance and/or bond sufficient to cover any potential claims may be required before any development work may begin after the site plan is approved. The insurance should cover all systems installed, the applicant, landowner, and the Township.

Required Documentation

Written narrative describing the proposed project, project boundaries, a paper and/or GIS view of the proposed area that contains specific drawings showing proposed collection device location(s), current and proposed buildings/structures, roads, power lines, easements, above and underground water/sewer/septic/gas/irrigation lines, proposed access roads, fences, all other structures needed including heights and guy wire locations. Anticipated start and completion dates. Written certification that all applicable state, federal and local regulations and codes have been. Written evidence that the area's electrical utility provider has been informed of the customer's intent to install an interconnected customer-owned generator (interconnection and parallel operating agreement). Off-grid systems are exempt from this requirement.

Ordinance/Statute/Code Compliance The proposed location will determined which state, federal and local statutes/ordinances/codes apply, including but not be limited to:

Part 31 Water Resources Protection (MCL 324.3101 et.seq.)
Part 91 Soil Erosion & Sedimentation Control (MCL 1324.9101 et.seq.)
Part 301 Inland Lakes & Streams (MCL 1324.30101 et.seq.)
Part303 Wetlands (MCL324.39391 et.seq.)
Michigan Airport Zoning Act (MCL 259.431 et.seq.)
Michigan Tall Structures Act (MCL 459.481 et.seq.)
All other applicable laws/acts in force at the time of application

Pre-Authorization Studies In addition, other studies such as an environmental impact study, financial impact study, avian migratory route study may be required. Sound pressure level data are required as measured/projected at the site boundaries. Wind studies should be presented prior to approval.

Sound Pressure Levels shall not exceed 45 dB(A) for more than 3 minutes of any hour of the 24 hour day except for short term events such as power outages and/or severe wind storms. The applicant shall present modeling and/or analysis that the maximum level will not be exceeded and plans to mitigate such occurrences should they occur.

Shadow flicker. Shadows or changes in light density caused by any moving components of any wind energy conversion system shall not fall upon any occupied structure more 30 hours per year. The applicant shall describe measures taken to eliminate/mitigate this problem.

Electromagnetic Interference

No on-site use wind conversion system shall materially interfere with any communications systems, such as but not limited to, radio, television, satellite, emergency communications, or wireless services and must comply with all applicable Federal Communications Commission (FCC) regulations.

Safety

The minimum clearance between the lowest projection of the blade/rotor or any moving part and the ground at the base shall be 15 feet and shall be 10 feet from any nearby structure, excluding roof-mounted systems.

Towers that are ground mounted shall be enclosed with a 6 foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.

Roof-mounted systems that can be accessed by the public must have adequate gates, locks and/or warning devices, that will ensure safety of the public and the system.

When towers are supported by guy wires the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.

All on-site use systems shall have automatic braking, governing or a feathering system to prevent uncontrolled rotation or movement.

Any system found to be unsafe by the building inspector must be repaired by the owner to meet all code requirements or removed as directed.

Since ice throw may occur from blades/panels in certain weather conditions all residences located at the perimeter of the site must be notified of this possibility.

All spent lubricants and/or cooling fluids shall be properly and safely removed from the site and disposed of properly.

All wind towers shall have lightning protection

All collection system wiring shall comply with all applicable safety and stray voltage standards.

Visual

Tower- mounted systems shall be a neutral, non-reflective exterior color, or a galvanized steel finish, unless Federal Aviation Administration (FAA) or other applicable authority require otherwise. The Planning Commission may require that the tower-mounted system be painted so as to reduce visual obtrusiveness in order to conform to the surrounding environment and/or architecture.

Roof-mounted systems and associated wires and equipment shall be painted so as to be architecturally compatible with the building to which they are attached.

On-site wind energy collection systems may not be artificially lighted unless otherwise require by the FAA.

On-site wind energy collection systems may not contain any advertising and are limited to a small decal showing the name of the manufacturer &/or installer, make, & serial number.

Maintenance and Compliance

Maintenance plans/programs must be submitted and include scheduled maintenance that complies with manufacturer's/regulatory guidelines.

Compliance with township building codes shall require manufacturer installation instructions and blueprints as an attachment to the application. These instructions should include drawings of the structural components of the system and support structures.

A post construction certification that the project complies with all applicable township codes, industry standards, and federal and state laws, along with a paper/GIS file of the completed site must be submitted before actual operation begins.

The Township shall have the right, upon final approval of all permits by the Township, to inspect the site at all reasonable times.

Bond: A bond must be secured by the applicant upon final approval of the project by the Township but prior to any work being done at the proposed site. The monetary amount is determined by the Township depending on the site. The amount of the bond takes into consideration the potential for initial and subsequent development damages, ongoing monitoring and the site restoration that will be required upon abandonment. If the actual costs in any area exceed the amount in the bond, the applicant/property owner will be financially responsible for the total costs.

Abandonment/Removal/Restoration

If any on-site use wind energy collection system is not used for a period of 6 months, the owner will be notified by certified mail to provide the reason(s) for the non-use and provide a reasonable timetable for correcting problems and returning the system to use. If

landowner has not complied within 60 days of the agreed upon action, the township shall proceed to have the system removed and the site restored at the landowner's expense.

Complaint Resolution

The applicant shall have a process to resolve complaints from nearby property owners concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the township from acting on a complaint. During construction the applicant shall maintain and make available to nearby property owners a telephone number where a project representative can be reached during normal business hours.

SPECIFIC STANDARDS FOR ZONED DISTRICTS: RR, RA, RB, RC, RD.

Numbers: Maximum of two systems per parcel as long as setbacks are met.

Locations: On-site systems may be mounted on towers, pedestals, or roof-mounted.

Lot Size: No minimum, lot sizes specified in each zoned district.

Heights:

Tower mounted system shall not exceed 40 foot.

Pedestal mounted systems shall not exceed the permitted height for accessory buildings in the zoned district where they are located.

Roof-mounted systems may exceed the height of the tallest part of the roof to which it is attached by no more than 10 feet.

Guy Wires: Tower structures requiring guy wires are not permitted.

Rotor Diameter: Shall not exceed 24 feet (12 foot blades).

Setbacks:

The wind conversion systems itself, including mechanical shadow, may not encroach into setback requirements for uses for the zoning district in which it is located.

No wind conversion systems shall be located between the road/street side lot line and the front wall of a principal structure.

All systems shall be set back a distance equal to their mechanical shadow from all adjacent occupied structures.

SPECIFIC STANDARDS FOR ZONED DISTRICTS: AR, OSC, NSC, HSC, I.

Location: systems may be mounted on towers, pedestals, or roof-mounted.

Lot Size: No minimum, lot sizes specified in each zoned district.

Number: May have more than one system by all setbacks must be met.

Heights:

Tower mounted system shall not exceed 80 foot.

Pedestal mounted systems shall not exceed the height for accessory buildings in the zoned district where they are located.

Roof-mounted systems may exceed the height of the tallest part of the roof to which it is attached by no more than 20 feet.

Rotor Diameter: Rotor Diameter is not limited.

Setbacks:

On-site use wind energy conversion systems, including mechanical shadow, of 60 feet or less in height may not be located on a lot so they encroach into setback requirements for principal uses for the zoning district in which they are not to be located nor shall they be located between the front line and the front wall of the principle buildings.

Tower mounted systems up to 80 feet shall be set back a distance equal to 110% of the system height from all property boundaries, public rights-of-way, utility lines or other wind energy conversion systems.

Roof/pedestal-mounted systems shall be set back a distance equal to their mechanical shadow from all adjacent occupied structures, or other wind energy conversion systems.

19. OFF-STREET PARKING, LOADING AND UNLOADING REQUIREMENTS

19.1 Purpose. It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as trafficways which are intended to be limited to moving automotive vehicles.

19.2 Off-Street Parking Requirements. In all Districts, except RD and AR there shall be provided at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows:

Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof, except that this distance shall not exceed one hundred fifty (150) feet for single family and two-family dwellings.

Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or parking space access aisle, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:

For ninety (90) degree or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.

For sixty (60) degree parking the aisle shall not be less than eighteen (18) feet in width.

For forty-five (45) degree parking the aisle shall not be less than thirteen (13) feet in width.

Required off-street parking facilities for churches located in nonresidential districts may be reduced by an equivalent number of off-street parking spaces located within three hundred (300) feet, if they are directly accessible and usable, as off-street parking spaces. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and eighty (80) feet in length.

Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:

All off-street parking spaces shall not be closer than ten (10) feet to any property line.

All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.

Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.

Any off-street parking area providing space for five (5) or more vehicles shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact evergreen planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.

Combined parking facilities are allowed when two (2) or more uses occur on one property or when a building on one property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except religious institutions.

For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

Floor Area: In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.

Places of Assembly: In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has open

assembly area, requirements shall be on the basis of one (1) seat being equal to three (3) square feet.

19.3 Use of Parking Areas. No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, streamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area or outside a building.

19.4 Off-Street Parking Space Requirements. The Minimum Required Off-Street Parking Spaces are set forth as follows:

Auditoriums, Stadiums, Sports Arenas Theaters, Dance Halls, Assembly Hall other than schools, Religious Institutions. One (1) space for each three (3) seats, or for each three (3) persons permitted in such buildings as determined by the State Fire Marshall.

Automobile or Machinery Sales and Service Garages. One (1) space for each two hundred (200) square feet of showroom floor area, plus two (2) spaces for each service or maintenance area, plus one (l) space for each employee working during maximum employment hours.

Banks, Business and Professional Offices. Two (2) parking spaces for each two hundred (200) square feet of floor area, plus one (1) parking space for each employee during maximum employment hours.

Barber Shops and Beauty Parlors. Two (2) spaces for each chair, plus one (1) space for each employee working during maximum employment hours.

Boarding, Lodging and Bed and Breakfast Houses. One (1) parking space for each bed.

Bowling Alleys. Five (5) parking spaces for each alley, plus one (1) space for each employee working during maximum employment hours.

Clinics. Two (2) spaces for each examining room, plus one (1) space for each employee working during maximum employment hours.

Convalescent or Nursing Home, Orphanage or State Licensed Foster Care Home. One (1) parking space for each two (2) beds, plus one (1) space for each employee, including nurses, working during maximum employment hours.

Drive-in Banks, Cleaners and Similar Businesses. Five (5) parking spaces, plus one (1) parking space for each employee working during maximum employ hours.

Drive-in Eating Establishments With Limited Inside Seating. Ten (10) parking spaces, plus one (1) parking space for each twenty (20) square feet of floor area and one (1) parking space for each employee working during maximum employment hours.

Dwellings (Single and Two-Family). Two (2) parking spaces for each family dwelling unit.

Dwelling (Multiple Family). Two (2) parking spaces per dwelling unit, plus one (1) additional space for each four (4) units and one (1) space for each employee working during maximum employment hours.

Funeral Homes and Mortuaries. Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of gross floor area, whichever is greater, plus one (1) space for each fleet vehicle and one (1) space for each employee working during maximum employment hours.

Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops. One (1) space for each four hundred (400) square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.

Gasoline Filling/Maintenance Station. One space for each maintenance area plus one space for each employee working during maximum employment hours.

General Office Building. One (1) parking space for each four hundred (400) square feet of gross floor area, plus one (1) parking space for each employee working during maximum employment hours.

Hospitals. One (1) space for each bed, plus one space for each employee working during maximum employment hours.

Hotels and Motels. One (1) space for each living unit, plus one (1) space for each employee working during maximum employment hours.

Libraries and Museums. One (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.

Livestock Auction. One (1) space for each one hundred (100) square feet of building, pens, and all enclosed areas on the premises of the auction facility.

Manufacturing, Fabricating, Processing and Bottling Plants. One (1) space for each employee working during maximum employment hours.

Post Offices. One (1) parking space for each employee and for each truck used in the operation thereof, plus one (1) space for each two hundred (200) square feet of public patron service and box area.

Restaurants, Beer Parlors, Taverns, Cocktail Lounges, Night Clubs, Adult Businesses and Private Clubs, Adult Businesses/Services. One (1) parking space for each four (4) customer seats, plus one (1) parking space for each employee working during maximum employment hours.

Retail Stores. One (1) parking space for each one hundred fifty (150) square feet of floor area, plus one (1) space for each employee working during maximum employment hours.

Roadside Stands. Must have off-street parking available.

Schools; Private or Public Elementary and Junior High Schools. One (1) space for each employee working during the maximum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity.

Senior High School and Institutions of Higher Learning, Private or Public. One (1) parking space for each employee plus one (1) for each five (5) students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included.

Self-Service Laundry or Dry Cleaning Stores. One (1) space for each two (2) washing and dry cleaning machines plus one (1) space for each employee working during maximum employment hours.

Supermarket, Self-Service Food and Discount Stores. Two (2) spaces for each two hundred (200) square feet of floor area, plus one (1) space for each employee working during maximum employment hours.

Wholesale Establishments and Warehouses. One (1) space for each four hundred (400) square feet of floor area, plus one (1) space for each employee working during maximum employment hours.

If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Administrator.

19.5 Off-Street Loading and Unloading Requirements. In connection with every use, except single family, two family and multiple family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit for the establishment or enlargement of a use of land, building or structure.

Each off-street loading-unloading space shall not be less than ten (10) feet in width, eighty (80) feet in length, and, if a roofed space, be not less than fifteen (15) feet in height.

A loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard may be occupied by a loading space.

A loading-unloading space shall not be located closer than fifty (50) feet to any residential lot or parcel unless wholly within a completely enclosed building,, or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.

When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of all the uses computed separately.

All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed.

All lights used for illumination shall be so arranged as to reflect the light away from the adjoining premises and roads, and no light source shall be visible beyond the property lines of a lot or parcel upon which they are located.

Off-street loading-unloading requirements for motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by trucks, having over five thousand (5,000) square feet of gross floor area, shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space or fraction thereof shall provide one (l) additional loading-unloading space.

If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Zoning Administrator.

20. SIGN REGULATIONS

20.1 Purpose. The purpose of this Article is to regulate on-site signs and outdoor advertising so as to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in Homer Township.

Principal features are the restriction of advertising to the use of the premises on which the sign is located and the restrictions of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays , billboards, which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principal use of a lot.

20.2 Definitions

Abandoned Sign: Activity conducted upon or product available on the premises where such sign is displayed is no longer available.

Billboard: See "Off-Premises Advertising Sign"

Business District or Shopping Center: A group of two (2) or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.

Canopy or Marquee Sign: Any sign attached to or constructed within or on a canopy or marquee.

District: Zoning District as established by this Zoning Ordinance.

Free Standing Sign: A sign supported by a structure independent of any other structure.

Height of Sign: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.

Identification Sign: A sign located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.

Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place,

commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Except signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers or names of occupants of premises.

Wall Sign: A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.

Window Sign: A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

Portable Sign: Any sign not permanently attached to the ground or a building.

20.3 General Sign Regulations. The construction, installation, erection, anchorage and maintenance of all signs shall be subject to the regulations of the building code. All electrical wiring associated with freestanding signs shall be installed underground and comply with all electrical codes. The following regulations shall also apply to all signs.

Illuminated Signs: Except as otherwise provided herein, signs shall be illuminated only by lights which are placed inside the translucent face or faces of the sign or by lights which are directed to shine directly on the sign. Lights illuminating signs shall be directed and/or shielded so as not to shine directly onto neighboring property or the eyes of passing motorists

Measurement of Sign Area: The total size of a sign in non-residential zoned areas shall not exceed 25 square feet nor 9 square feet in residential zoned areas. The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display materials shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of one face.

Height of Signs: No free standing sign shall exceed a height of twenty-five (25) feet.

Setback Requirements for Signs: Except where specified otherwise in this Ordinance, all signs shall be set back a minimum of 10 feet as measured from the road edge of right of way.

20.4 Prohibited Signs

Miscellaneous Signs and Posters: Tacking, posting, or otherwise affixing of signs or posters visible from a public way except "no trespassing", "no hunting", "beware of animal" warning or danger signs, and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences is prohibited.

Banners: Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 20 - "Temporary Signs".

Swinging Signs: Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.

Moving Signs: Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition shall be permitted.

Abandoned Signs: Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited.

Prohibited Signs: The following signs are prohibited:

Signs which imitate an official traffic sign or signal which contains the words "stop", "go slow", "caution", "danger", "warning", "slow moving vehicle", or similar words, except as otherwise provided in this Article.

Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road sign or signal or which obstructs the view in any direction at a road intersection.

Signs which contain statements, words or pictures of an obscene, pornographic or immoral nature as defined by current community standards.

Any sign or sign structure which is structurally unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.

Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.

Any sign which was or is unlawfully installed or erected under the applicable terms of any preceding ordinance.

Any sign which would project above the height, as defined in this ordinance, of the building on which it is located.

20.5 Permitted Signs in AR District.

Each sign advertising the type of farm products grown on the farm premises shall not exceed nine (9) square feet in area.

One identification sign shall be permitted for each public road frontage for a vehicle entrance, for a school, church building or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed twenty-five (25) square feet in area and eight (8) feet in height.

20.6 Permitted Signs in RR, RA, RB, RC, RD, OSC and NSC Districts.

One identification sign shall be permitted for each public road frontage, for a subdivision, multiple family building development, mobile home park and each OSC or NSC business. Each sign shall not exceed twenty-five (25) square feet in area. One additional sign advertising "For Rent" or "Vacancy" may be placed on each public road frontage of a rental residential development provided that such sign shall not exceed nine (9) square feet in area and is incorporated into the identification sign. Each sign shall be located in accordance with setback requirements..

One identification sign shall be permitted for each public road frontage for a vehicle entrance for a school, religious institutions or public building. Each sign shall not exceed twenty five (25) square feet in area and eight (8) feet in height and shall be located a minimum of 40 feet behind the public road right-of-way.

Home occupation signs, in allowed areas, are limited to one sign that shall not exceed 2 square feet in area and must be wall mounted if the activity is conducted in the principal structure. If the home occupation is conducted in an allowed accessory structure, the sign may be up to 6 square feet and must be wall mounted to that structure.

20.7 Permitted Signs in CSC, HSC and I Districts. On-site canopy or marquee signs, wall signs, and free-standing signs are allowed, subject to the following.

Each independent building, not part of an integrated group of buildings or stores shall be permitted the following:

Each independent building shall be permitted a total of at least eighty (80) square feet of sign area for all signs. The area of signs permitted for each independent building shall be determined as two (2) square feet of sign area for each one (1) linear foot of building length which faces on a public road. The maximum area for all signs for each independent building shall be two hundred (200) square feet. No free-standing identification sign shall exceed one hundred (100) square feet in area. No exterior wall sign for businesses without ground floor frontage shall exceed twenty four (24) square feet in area.

Each sign shall pertain exclusively to the name and type of business carried on within the building.

Signs permitted for a shopping center, plaza or other integrated group of stores; commercial buildings, office buildings or industrial buildings are subject to the following:

Each shopping center or integrated group shall be permitted one (1) free-standing identification sign for each road or highway that it faces. Each such sign shall state only the name of the shopping center and major tenants located therein. The sign area shall be determined as one (1) square foot for each one (1) linear foot of building which faces that public road. The maximum area for each such free-standing identification sign shall be two hundred (200) square feet. Individual occupants of the shopping center or integrated group shall not be permitted individual free-standing identification signs.

Each business in a shopping center, plaza or other integrated group shall be permitted one exterior wall sign. The area for such an exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one (1) exterior wall sign not more than twenty-five (25) square feet in area. Each sign shall pertain exclusively to the name and type of business carried on within the building.

Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25) percent of the total window area of the floor level on which displayed or exceeds a total of two hundred (200) square feet for any one building. If window signs occupy more than twenty-five (25) percent of said window area or exceed a total of two hundred (200) square feet for any one building, they shall be treated as exterior signs and shall conform to the requirements as such.

A time and temperature sign shall be permitted in addition to the above conditions, provided that ownership identification or advertising copy does not exceed ten (10%) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet.

In addition to the provisions of preceding sections above, an automobile service station may have one (1) additional sign for each public road or highway frontage for a vehicle entrance. Said sign shall be mounted on a free-standing structure or on the structure of another permitted sign, provided that clear views of road traffic by motorists or pedestrians are not obstructed in any way. Said sign shall not exceed eight (8) square feet in area and shall not advertise the brand name of gasoline or other materials sold on the premises.

20.8 Off-Premises Advertising Signs (Billboards).

Off-premises advertising signs are not permitted.

Every permanent legally existing off-premises advertising sign is hereby deemed to be a non-conforming sign.

Non-conforming signs may not be expanded, enlarged or extended; however, said non-conforming signs may be maintained and repaired so as to continue, but not extend, the original useful life of the non-conforming advertising sign.

For the purposes of this section, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use.

Any non-conforming signs, sign structure, or frame substantially destroyed by fire or other casualty shall not be restored or rebuilt.

Non-conforming signs may be removed for maintenance and repair purposes in accordance with this section following a permit from the building and zoning inspector or authorized representative providing that the non-conforming sign would be reinstalled within ninety (90) days of the removal or the right of the non-conforming use shall be deemed abandoned.

20.9 Temporary Signs. On-site temporary exterior signs may be erected in accordance with the regulations of this section.

In all districts, one (1) sign for each public road frontage advertising a recorded subdivision or development shall be permitted. Each sign not to exceed twenty-five (25) square feet in area. Each sign shall be removed within one (1) year after the sale of seventy (70) percent of all lots or units within said subdivision or development.

In RD districts, one (1) sign on each public road frontage of a new multiple family development advertising the new dwelling units for rent or sale, not to exceed twenty-five (25) square feet in area shall be permitted. Each sign shall be removed within sixty (60) days of the initial rental or sale of seventy (70) percent of the dwelling units within the development.

One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed nine (9) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms and lending institutions combine together in one identification sign, such sign shall not exceed twenty-five (25) square feet in area with not more than one sign permitted on one site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after final inspection of the construction by the Building Inspector.

Temporary real estate direction signs, not exceeding three (3) square feet in area and four (4) in number, showing a directional arrow and placed back of the road right-of-way line, shall be permitted on approach routes to an open house. Signs shall not exceed three (3) feet in height.

Temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed twenty-five (25) square feet. Signs shall be allowed no more than twenty-one (21) days prior nor seven (7) days following to the event or function. If building mounted, signs shall

be flat wall signs and shall not exceed six (6) feet in height. Signs shall be set back in accordance with this Ordinance.

In AR, RR, RA, RB, RC, RD, OSC and NSC Districts, one (1) temporary real estate "For Sale", "For Rent", or "For Lease" sign, located on the property and not exceeding nine (9) square feet in area shall be permitted. In the CSC, HSC and I districts, one (1) sign of this type shall be permitted, provided it does not exceed twenty-five (25) square feet in area and is set back in accordance with setback requirements of this Ordinance. If the lot or parcel has multiple road frontage, one (1) additional sign not exceeding nine (9) square feet in area in the AR, RR, RA, RB, RC, RD, OSC and NSC and twenty-five (25) square feet in area in the CSC, HSC and I districts is permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot or parcel. Such signs shall be removed within seven (7) days following the sale, rent or lease. In no case, shall a sign list the sale, rent, or lease of a building which is not located on the property on which the sign is located.

Banners, pennants, searchlights, balloons, or gas-filled figures are permitted in CSC, HSC and I Districts for a period not to exceed thirty (30) consecutive days. If this time limit is to be exceeded a special use permit is required and must be secured prior to continued display. Such signs and objects shall not obstruct pedestrian or vehicular view.

Temporary signs and displays shall be permitted in addition to other signs which may be permitted on the parcel where the business is located. Such signs shall not remain in place for more than thirty (30) and the announcement may not be repeated.

20.10 Exempted Signs. The following types of signs are exempted from all provisions of this Ordinance, except for construction and safety regulations and the following standards:

Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.

Political campaign signs announcing candidates seeking public political office and other data pertinent thereto, except as prohibited in Section 20.4.1, providing that these signs shall be removed within seven (7) days after the date of the election for which they were posted.

Names of brands, manufacturer's labels and logos, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, metal or similar material or made of other permanent type construction and made an integral part of the structure.

20.11 Nonconforming Signs. Nonconforming signs shall not be reestablished after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer.

20.12 Permits and Fees.

Application for a permit to erect or replace a sign shall be made by the owner of the property, or his authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the Township Board. Temporary signs set forth in this section do not require a permit.

An application for a sign permit shall contain the following information:

The applicant's name and address in full, and a complete description of his relationship to the property owner.

If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.

The address of the property.

An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.

A complete description and scale drawings of the sign, including all dimensions and the area in square feet.

All proposed sign locations or relocations shall be inspected on the site by the Township Zoning Administrator for conformance to this Ordinance prior to placement on the site foundations shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the sign support structure.

A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Township Board upon recommendation of the Planning Commission.

Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

20.13 Removal of Signs. Signs erected or maintained in violation of this Ordinance shall be removed by the property owner.

21. SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS

21.1 Purpose. The purpose of this Article is to establish uniform requirements of procedure for all developments in Homer Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Permit and the starting of construction.

21.2 Developments Requiring Site Plan Approval. The following land, building and structural uses require "Site Plan Approval":

All principal and special uses and their accessory uses in the RD, OSC, NSC, CSC, HSC and I Districts.

All special uses and their accessory uses in all districts.

Communication Towers.

Open Space Preservation and Planned Unit Developments

Solar Collection Devices-Large Freestanding and Small Freestanding

Wind Energy Systems-Utility Grid and On-Site

21.3 Developments NOT Requiring Site Plan Approval.

Single family homes and their accessory uses in the AR, RA, RB and RC Districts.

Farming and its accessory uses and roadside stands in the AR, RA, RB and RC Districts.

21.4 Role of the Zoning Administrator. The Zoning Administrator shall not issue a Zoning Permit for construction of, or addition to, any use requiring site plan approval until a final site plan has been approved by the Township Board and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved by the Township Board and a Zoning Permit has been issued.

21.5 Site Plan Approval Required Prior to Starting Construction or Use of Land. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved by the Township Board upon recommendation of the Planning Commission and is in effect.

21.6 Preliminary Conference on Proposed Site Plan. An applicant may request a meeting with the Planning Commission for the purpose of reviewing and discussing a proposed site plan for the purpose of determining the feasibility of the project which the site

plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting.

21.7 Preliminary Site Plan Requirements. Application: Any person may file an application for site plan approval by filing required forms with the Township Clerk. If the application is received by the Clerk at least fourteen (14) days prior to the next following regular meeting of the Planning Commission, the application shall be forwarded to the Planning Commission in advance of that regular meeting. A site plan application received by the Clerk less than fourteen (14) days prior to the scheduled Planning Commission shall be forwarded to the Planning Commission by the next subsequent regular meeting. The applicant shall submit at least seven (7) copies of the site plan and any other requested materials by the Building Inspector and pay the required fee to the Township Clerk. Upon receipt of the required fee the Clerk will forward the site plan materials and drawings to the Planning Commission as stated above.

21.8 Information Required for Review. Every preliminary site plan submitted under this Article shall meet the following requirements:

The Site Plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Township Planning Commission and Township Board can readily interpret the site Plan, and shall include more than one drawing where required for clarity.

The property shall be identified by property boundaries, lot lines and location, including dimensions, angles and size, and correlated with the legal description of the property. Such plan shall further include the name and address of the applicant, property owner, developer and designer, the date prepared, and the name and address of the preparer.

The Site Plan shall show the scale north arrow; boundary dimensions; elevation referenced to United States Geological Survey (U.S.G.S.) and topography (at least two foot contour intervals), and natural features, such as; but not limited to, woods, streams, rivers, lakes, ponds, drains and marsh.

The Site Plan shall show existing man-made features, (such as; but not limited to, building, structures, high tension towers and pipelines) and existing utilities (such as; but not limited to, water and sewer lines, excavations, bridges, culverts, drains and easements), and shall identify adjacent properties and their existing uses.

The Site Plan shall show the location and use of all proposed structures, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation to one another and to any existing structure on the site, the height of all buildings and square footage of floor space. Site plans for residential development shall include a density description containing the number of dwelling units per acre, including a development plan showing unit types and numbers of each unit type.

The Site Plan shall show existing and proposed roads, parking lots, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; the location of all existing and proposed utilities and other improvements to be used as part of the project, and the proposed location of connections to existing utilities and proposed extensions thereof; and the location, size and number of parking spaces in any off-street parking area, and the identification of service lanes and service parking.

The Site Plans shall show the proposed location, use and size of open spaces and the location of any landscaping, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.

The current zoning classifications on the subject property and all adjacent property.

21.9 Planning Commission Action.
Site visit. A visit to the site of a plan being proposed to the Planning Commission may be made by members of the commission prior to the first scheduled meeting. As a part of the application packet the applicant will be asked to sign a form granting commission members authority to enter the property and visit the proposed site. Granting of the authority is voluntary and in no way effects the action of the Commission members on the proposal. During the visit members will be using the review standards that the applicant must meet.

Commission Review/Public Hearing/ Recommendations. At a regular meeting what the Planning Commission receives the site plan application and drawings from the Clerk, it shall review the application and drawings, discuss same with the applicant, if in attendance at the meeting, and schedule public hearing thereon for its next regular meeting or a special meeting of the Planning Commission called for that purpose.

This time period may be extended upon a written request by the applicant and approved by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant or if all the required materials have not been submitted by the applicant.

Following its review, the Planning Commission shall conduct a public hearing upon the site plan application in accordance with this ordinance.

The recommendation of the Planning Commission shall be set forth in writing and forwarded to the Township Board for action.

If denial is recommended the Planning Commission shall prepare a report setting forth the conclusions of its study and the reasons for its denial. .

21.10 Township Board Action. Final approval of a site plan shall be by the Township Board which shall have the authority to approve, conditionally approve or reject any site plan. Upon Township Board approval of the final site plan, the applicant and owner(s) of record, and the Township Clerk or the designated replacement, shall sign the approved plan.

Effect of Approval. Approval of a final site plan automatically authorizes the applicant to apply for a Zoning Permit. Approval shall expire and be of no effect after six (6) months following approval by the Township Board, unless a Zoning Permit is applied for and granted within that time period. Approval shall expire and be of no effect one (1) year following the date of issuance of a Zoning Permit unless authorized construction has begun on the property in conformance with the approved final site plan.

21.11 Notice of Hearing. The person requesting site plan approval shall be notified in writing of the time, date and place of the hearing on his application. The requirements of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended, shall be followed regarding public notice and conduct of the hearing.

21.12 Requirements and Standards for Site Plan Review. In reviewing the Site Plan, the Planning Commission and the Township Board shall ascertain whether the proposed Site Plan is consistent with all requirements and standards of this Ordinance, zoning map and State and Federal statutes. Further, before approving any Site Plan, the Township Board must find that the provisions of this Section and of this Ordinance have been satisfactorily met by the applicant.

Decisions rejecting, approving or conditionally approving a Site Plan must be based upon requirements and standards contained in this Ordinance. A Site Plan shall be approved if it meets the requirements of this Article, is in compliance with this Ordinance, other applicable ordinances and State and Federal statutes.

In addition, each of the following requirements and standards shall apply:

Consistency with Zoning Ordinance Intent and Purpose. The Uses contemplated by the Site Plan shall be consistent with the intent and purpose of this Ordinance and the Township Master Plan.

General Zoning Requirements. With the exception of a PUD, all Site Plans shall, at a minimum, be subject to the general requirements for structures, uses, lots, yards and vehicles contained in this Ordinance as well as specific dimension and area regulations for lots and structures in the specific zoning district.

Health, Safety and Welfare. The uses shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property. The uses shall not more adversely affect or be significantly more objectionable to nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, smoke, glare, flashing lights, disposal of wastes or other external effects than the operation of any principal permitted use in the district in which the land is located nor shall the use increase hazards from fire or other dangers to either the property or adjacent property.

Facilities and Services. The uses shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.

The uses shall not place demands on public services and facilities in excess of current capacity. The water supply in sewage disposal systems shall be adequate for the proposed uses.

Traffic. The uses shall not increase traffic hazards or cause congestion on the public highways or streets of the area. Adequate access to the parcel shall be furnished.

With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely effect the design of proposed land, buildings and structures and adjacent and surrounding development areas.

Surface Water Drainage. Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system. If necessary, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.

Utility Service. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.

Advertising Features. The size, location and lighting of all permanent signs and outdoor advertising structures or features, shall be consistent with the requirements of Article 20, "Sign Regulations".

Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.

Flood Plain/Wetland. If the site plan property falls within a designated flood plain/wetland area then all of the local, state and federal requirements of the designated area must be followed.

Additional Requirements. All other standards and requirements of this Article must be met by site plans presented for review.

21.13 Amendment, Revision of Site Plan. An approved site plan may be amended upon request of the applicant. The amendment process allows minor and major amendments to be made. A minor amendment may be made by the township board without a return to the planning commission. A minor amendment is defined as one that does not alter the basic design or use or specified conditions of the approved site plan. Examples of minor amendments include: reducing the size of any building or sign, moving buildings or signs by no more than 10 feet, replacing landscape materials/plants with similar ones, changing building materials to ones of higher quality, floor plan changes that do not alter the character of the use, changing the internal arrangement of a parking lot in a way that doesn't not affect the number of parking spaces of alter access locations or design. A major amendment would be handled by the Planning Commission and processed in the same manner as the original site plan, requiring a new application, new fee new review and public hearing and new consideration by the Township Board.

21.14 Modification During Construction. All improvements shall conform to the final site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Township Board in writing of any nonconformity with the approved Final Site Plan.

21.15 Phasing of Development. The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase shall be submitted for approval before the start of any site development or of any structural work.

21.16 Inspection. All sub-grade improvements, such as utilities, sub-base and base installations for drives and parking lots, and similar improvements shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Township Board, in writing, when a development for which a final site plan was approved which does not pass inspection with respect to the approved final site plan, and shall advise the Board of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township Board of progress towards compliance with the approved final site plan, and when compliance is achieved. The fee schedule established by the Township Board shall include a special schedule of fees to cover large and costly projects so as to adequately cover the costs of the Township inspections of such projects as required under the provisions of this Ordinance.

21.17 Fees. Fees for the review of site plans and inspections as required by this Article shall be established and may be amended by the Township Board.

21.18 Performance Guarantees/Per Phase. Bonds or other acceptable forms of performance security may be required of the applicant to ensure completion of the site plan improvements after a final site plan is approved and prior to issuance of a Zoning Permit. The amount and type of such security shall be determined by the Township Board, after

recommendation by the Planning Commission, at the time of final site plan approval. The security shall be administered by the Township Treasurer and Clerk. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the Township Board shall have the authority to have such work completed, and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require performance by the bonding company.

21.19 Site Plan Denial Appeal. If a site plan request is denied, the applicant may appeal the decision to the zoning board of appeals. The appeal must be filed within 30 days of the denial. The decision of the ZBA is limited as to whether the action taken was appropriate and related to the standards applicable to the decision. If the ZBA finds that proper procedures and considerations were used in denying the site plan approval, the appeal should be denied and decision upheld. If the ZBA finds an error in the manner in which the decision was reached, it may grant the appeal and shall use the same standards and materials used in the original review to reach a decision.

21.20 Violations. The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement or use not in conformance with an approved final site plan, shall be deemed a violation of this Article, and shall be subject to the penalties in Section 22 of this Ordinance.

22. ADMINISTRATION AND ENFORCEMENT

22.1 Purpose. The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

22.2 Administration. The provisions of this Ordinance shall be administered by the Township Board, the Township Planning Commission and such personnel as designated by the Township Board in accordance with P.A. 33 of 2008, the "Michigan Planning Enabling Act", MCL 125.3801, et seq,, as amended, P.A. 110 of 2006, the "Michigan Zoning Enabling Act", MCL 125.3101, et seq, , as amended, and this Zoning Ordinance.

The Township Board shall employ one or more persons to serve as Zoning Administrator, who may be the Building Inspector, who shall act as the officer to carry out the enforcement of this Ordinance. The person (or persons) selected, the terms of employment and the rate of compensation shall be established by the Township Board.

22.3 Duties of Zoning Administrator. Receive and review all applications for Zoning Permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit, if the use and the requirements of this Ordinance are met.

The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals and variances, special use permits and amendments to the Zoning Ordinance.

The Zoning Administrator shall prepare and submit to the Township Board and the Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner's name, location of property and intended use.

Maintain written records of all actions taken by the Zoning Administrator.

22.4 Zoning Permit Requirements. A Zoning Permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or his agent by the owner or his agent for the following conditions: The construction, enlargement, alteration or moving of any dwelling, building or structure or any part thereof, being used or to be used for agricultural, residential, commercial, industrial, private, public or semi-public purposes.

Application for a Zoning Permit. Application for a Zoning Permit shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:

The location, shape, area and dimensions for the parcel(s), lot(s) or acreage, and all existing improvements on the lot or parcel.

The location of the proposed construction, upon the parcel(s), lot(s) or acreage affected.

The dimensions, height and bulk of structures.

The nature of the proposed construction, alteration, or repair and the intended use.

The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.

The present use of any structure affected by the construction or alteration.

The yard, open area and parking space dimensions, if applicable.

The proposed plan and specifications of off-street parking spaces, if applicable.

The proposed plan and specifications of off-street loading and unloading spaces provided, if applicable.

Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

If the information included in and with the application is in compliance with these requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit upon payment of the required Zoning Permit fee.

22.5 Revocation of Permit. Any Zoning Permit granted under this Article shall be null and void unless the development proposed shall have its first inspection within one (1) year from the date of granting the permit. The Zoning Administrator shall notify the holder of the permit at least thirty (30) days prior to the expiration of the one (1) year period before voidance of the zoning permit is actually declared. The Zoning Administrator may revoke a Permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.

22.6 Fees, Charges, and Expenses. The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for Zoning Permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Office and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, until preliminary charges and fees have been paid in full.

The construction or usage affected by any Zoning Permit shall be subject to inspection upon completion of the construction authorized by the permit.

The Township Clerk with the assistance of the Planning Commission shall be responsible to update the Township Zoning Map and keep it current.

22.7 Violations. Any land use or activity, building or structures, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se, a violation of this Ordinance and subject to the penalties of it.

22.8 Penalties. Any person or other entity who violates any provision of this Ordinance, including the property owner and person or entity in possession or control, is responsible for a municipal civil infraction as defined by Michigan laws and subject to a civil fine set by the court which shall be in addition to all other costs, attorney fees, damages, expenses and other remedies as provided by law. In addition to pursuing a municipal civil infraction the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance. Each day that a violation shall continue is to constitute a separate offense. All remedies available to the Township under this ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

23. ZONING BOARD OF APPEALS

23.1 Establishment of Board of Appeals. There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by P.A. 110 of 2006, the "Michigan Zoning Enabling Act", MCL 125.3101, et seq., as amended, and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

23.2 Membership and Terms of Office. The Zoning Board of Appeals shall consist of three (3) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, to be appointed by the Township Board, for the terms of their office; the second member shall be a member of the Township Board, elected by the Township Board for the term of his office; and the other one (1) member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township for a term of three (3) years, provided that no elected officer of the Township, nor any employee of the Township Board may serve simultaneously as the elector member or as an employee of the Zoning Board of Appeals. The Chairman of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. The Township Board member appointed to the Zoning Board of Appeals shall not serve as Chairman.

23.3 Rules of Procedure, Majority Vote. The Board shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meetings and activities. The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to unnecessary hardship or practical difficulties.

23.4 Meetings. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its bylaws may specify.

23.5 Public Meetings and Minutes. All meetings of the Zoning Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the record of the vote of each member by name of the Board and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and the Planning Commission and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the Board.

23.6 Powers and Duties. The Zoning Board of Appeals shall have powers to interpret the provisions of this Ordinance, including the zoning map, to grant non-use dimensional variances from the strict application of any provisions of this Ordinance, except as otherwise

provided in this Ordinance. The ZBA does not have the authority to grant a use variance which would permit a not otherwise allowed use in the zoned district.

The Zoning Board of Appeals shall hear and decide appeals from, and review any order, requirement, decision or determination made by the Zoning Administrator in the administration of this Ordinance as hereinafter provided, and shall have power to interpret the provisions of this Ordinance and to grant non-use variances from the strict application of any of the provisions of this Ordinance. The Zoning Board of Appeals shall have no authority to hear, act upon or grant use variances.

To decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with regard thereto.

To grant non-use variances from any of the regulations or provisions contained in this Ordinance. Non-use variances shall be granted only upon the Zoning Board of Appeals finding that all basic conditions listed herein and any one of the special conditions listed hereafter are satisfied.

Basic Conditions. Any non-use variance granted from this Ordinance:

Shall not be contrary to the public interest or to the intent and purpose of this Ordinance.

Shall not permit the establishment within a district of any use which is not permitted by right within that zoning district or for which a special use permit is required.

Shall not cause substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.

Shall relate only to property that is under the control of the applicant.

Special Conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one of the following special conditions can be clearly demonstrated:

Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel

of land. The practical difficulties shall not be self imposed by the applicant or applicant's predecessor.

Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shape or topography of the property involved. Such circumstances or conditions shall not have resulted from any act of the applicant

To permit the erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the requirements herein established; and permit the location in any district of a public utility building, structure or use, if the Zoning Board of Appeals shall find use, height, area, building or structure reasonably necessary for the public convenience and service; and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

Determine the classification of off-street parking and loading/unloading requirements in Article 19.

23.7 Voiding of and Reapplication for Variances.

Each variance granted under the provisions of this Ordinance shall become null and void unless:

The use and construction authorized by such variance or permit has been commenced within one (1) year after the granting of such variance.

No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted.

23.8 Procedure for Appealing to the Zoning Board of Appeals.

Appeals, How Taken. Appeals from the action of the Township Zoning Administrator may be made to the Zoning Board of Appeals in the following manner:

The person, firm or agent thereof making the appeal, shall file in writing to the Township Clerk a letter stating what the specific appeal is and the reasons for said appeal within 30 days of the date of the decision being appealed.

The Township Clerk submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.

Fee for Appeal. A fee prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.

Hearing by the Zoning Board of Appeals. When a request for appeals has been filed in proper form with the Zoning Board of Appeals, the Chairman shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place and object of the hearing to be served personally or by mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for appeal. Notices shall be sent to all property owners and occupants of properties located within three hundred (300) feet of the parcel for which the variance is being requested at least ten (10) days prior to the date of the hearing.

Representation at Hearing. During a hearing, any party or parties may appear in person or by agent or by attorney.

Board Decision. The Zoning Board of Appeals shall decide upon all appeals within a reasonable time. The decision of the administrative officer or body may be confirmed in which case enforcement or other appropriate action can continue or the original decision may be reversed or modified. To reverse or modify a decision the ZBA must find that the official or body rendering the initial decision acted improperly, state the reasons why and then the ZBA is granted the same authority as the initial body to make a decision. The appeal must be treated the same as the initial decision, using the same criteria as the initial body. If new information is presented to the ZBA that was not originally available to the administrative officer of body, the ZBA must return the appeal to the administrative officer or body for its review of the new information and reconsideration of its decision. The ZBA decision of an appeal shall be in the form of a resolution containing a full record of the findings and the determination of the ZBA. Any person aggrieved by a decision of the ZBA may appeal to Circuit Court in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006 as amended. Such an appeal shall be filed within 30 days of the ZBA issuing it's decision in writing, signed by the chairperson with a copy to the parties involved or 21 days after the ZBA approves the minutes of it's decision.

24. SEVERABILITY

24.1 Severance Clause. Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

25. EFFECTIVE DATE OF ORDINANCE

25.1 Effective Date of Ordinance. This Ordinance shall become effective when the same is first published by publication following passage by the Township Board of the Township of Homer.

HOMER TOWNSHIP
ZONING ORDINANCE

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